

SENATE—Friday, March 20, 1992

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania.

PRAYER

The guest chaplain, the Reverend John E. Stait, of Navigator Ministry, 2843 Woodlawn Avenue, Falls Church, VA, offered the following prayer:

Let us pray:

*Not that we are sufficient of ourselves to think any thing as of ourselves, but our sufficiency is of God, who also hath made us able ministers * * *.—II Corinthians 3:5, 6.*

Lord God Almighty, sufficient Ruler of Heaven and Earth, we want to recognize today that we are not "sufficient of ourselves."

We are confronted with our own problems—problems with our families, problems with our communities, problems with our Nation, and problems with our world.

We confess that the solutions evade us when we try to change things from the outside with external laws and cleanup programs. Help us, as Scripture says, to first clean up the inside of the cup. Help us to take an inside look and remove the selfishness that keeps us from being vessels of honor and prepared for the Master's use.

In God we trust. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 20, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WOFFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, am I correct in my understanding that the Journal of the proceedings has been approved to date?

The ACTING PRESIDENT pro tempore. The Senator is correct.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve all of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

SCHEDULE

Mr. MITCHELL. Mr. President, it is my expectation and hope that the House will act promptly on the tax and economic growth legislation now before it in the form of a conference report. The conference concluded last evening and reached agreement in reconciling the different versions of the bill that had been enacted by the House and Senate, respectively.

I am unable to state at this time precisely when the House will complete action and, therefore, precisely when the matter will be before the Senate. I hope it will be soon, and I hope that we will be able to complete action in the Senate promptly today. The matter has been the subject of lengthy debate and discussion.

I wish to make clear that I have no intention of not permitting any Senator who wishes to do so speak on the subject. I think everyone ought to have the fullest opportunity to express his or her view. I would suggest to Senators who wish to do so that we will be in a period of morning business awaiting receipt of the legislation, and if any Senator wishes to address the matter, this would be an appropriate time to do so, so that we would then be able to act promptly when the measure comes before the Senate.

I will announce the more precise times as soon as I have additional information in that regard.

Mr. President, I thank my colleagues, and I yield the floor.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from South Dakota is recognized to speak for up to 10 minutes.

Mr. PRESSLER. I thank the Chair.

(The remarks of Mr. PRESSLER pertaining to the introduction of S. 2375 and S. 2376 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

NATIONAL AGRICULTURE DAY

Mr. PRESSLER. Mr. President, today the country pays tribute to American farmers and ranchers. Having grown up on a small family farm, it is with a sense of pride that I have joined in cosponsoring Senate Joint Resolution 272, proclaiming March 20, 1992, as "National Agriculture Day."

This week I have been paying tribute to those involved in American agriculture. The stories I have related to you each day this week are but a few of the thousands that should be told. America's preeminence in agriculture is unequalled in the world. In no American workplace is there found the kind of hard work, productivity, cooperation, neighborly concern, creative use of applied science, and independence than on our farms and ranches.

My State of South Dakota is truly representative of American agriculture. Agriculture is South Dakota's No. 1 industry, and it is the Nation's No. 1 industry. Recently, South Dakota State University [SDSU] issued a report on South Dakota agriculture. The study shows that agriculture in South Dakota contributes \$13.2 billion to the State's economy. That amount is more than three times larger than any other single industry in the State. The SDSU study also explains that just a 1-percent increase in South Dakota's agricultural output would increase the State's industrial output by \$141 million, create 1,230 jobs and increase wages by \$19 million. Mr. President, I ask that a copy of the SDSU study be printed in the RECORD at the conclusion of my remarks.

Mr. President, South Dakota is among the leading agricultural States in the Nation. Consider the following national rankings:

- No. 1 producer of oats.
- No. 1 producer of rye.
- No. 2 producer of flaxseed.
- No. 2 producer of sunflower seed.
- No. 5 producer of barley.
- No. 8 producer of all wheat.
- No. 8 producer of all hay.
- No. 9 producer of soybeans for beans.

Nationally, South Dakota also ranks 8th in cash receipts from farm marketings of cattle and calves, wheat, and barley, 9th in hogs and soybeans; 10th in sorghum grain; and 13th in corn. South Dakota is ranked 20th in the Na-

tion in cash receipts from total farm marketings, 14th in livestock marketings, and 28th in crops.

South Dakota exported over \$750 million of agricultural products in 1990. Feed grains and products were the leading commodity, valued at \$247 million, followed by wheat, \$165 million, and soybeans, \$134 million. South Dakota is the No. 1 State in ethanol use in the Nation.

Mr. President, South Dakota's Secretary of Agriculture recently wrote an editorial in honor of National Agriculture Week. I ask unanimous consent that Secretary Swisher's editorial be printed in the RECORD at the conclusion of my remarks.

Mr. President, agriculture is not only South Dakota's No. 1 industry. It is also the No. 1 industry in America. American agriculture, in turn, is No. 1 in the world among all nations' farm sectors. U.S. farmers grow about 50 percent of the world's soybeans, 40 percent of the world's corn, and 25 percent of the world's grain sorghum. American agricultural production totals \$138 billion—\$73.5 billion in crops and \$64.3 billion in livestock.

The United States exports more than \$39.7 billion worth of agricultural products—more than 12 percent of the world farm trade. Production from about 40 percent of U.S. cropland is exported. Mr. President, America's farmers and ranchers feed the world.

All of this means jobs. The U.S. food and fiber system provides jobs for over 20 million people, from farmers to processors to supermarket clerks.

Each U.S. farmer and rancher supplies enough food and fiber for more than 128 people—94 people in this country and 34 abroad. U.S. consumers spend over \$500 billion each year on food.

Mr. President, U.S. farmers and ranchers are not only the most productive in the world, they are improving. Output per acre was 40 percent higher in 1987 than in 1967. An hour of farm labor produces nearly 8 times as much food and other crops in 1987 as it did in 1947.

Mr. President, that is quite impressive. The fine South Dakotans involved in agriculture can be justifiably proud of their contribution not only to South Dakota but to the Nation. The fine Americans producing our Nation's food and fiber can be justifiably proud as well. They have successfully met the challenges of recent years and are ready to confront the challenges that lie ahead. Their story is a remarkable one. It is one that is not told often enough, but it is one worth repeating over and over again.

Mr. President, I salute the fine Americans that contribute to making American agriculture the greatest story that can be told.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[West River Agricultural Research & Extension Center, Rapid City, SD]

IMPACT OF SOUTH DAKOTA AGRICULTURE

(By Dr. Martin K. Beutler, extension economist/researcher, ranch management)
ECONOMIC IMPACT OF SELECTED SOUTH DAKOTA INDUSTRIES

Agriculture's \$13.2 billion contribution to Dakota's economy is more than three times larger than any other single industry. Livestock and crops provide a total economic impact of \$8.7 and \$4.5 billion, respectively. Other leading industries and their economic contributions in billions of dollars are service \$3.7, government \$3.4, finance \$2.9, medical \$2.6, recreation \$2.2, and transportation \$1.2.

SOUTH DAKOTA'S LIVESTOCK INDUSTRY

At \$8.7 billion, the livestock industry accounts for 65 percent of the total agriculture industry. Beef production and processing is a \$6 billion industry in South Dakota, while dairy contributes \$1.4 billion and the swine industry adds \$939 million annually.

SOUTH DAKOTA'S CROP INDUSTRY

Major commodity contributions to South Dakota's \$4.5 billion crops industry, include: forages and corn at \$1.2 billion each, wheat at \$1 billion, and soybeans at \$667 million.

ECONOMIC IMPACT OF SOUTH DAKOTA'S BEEF INDUSTRY

The beef industry is agriculture's largest industry. Beef production and processing account for 69 percent of livestock's contribution. This \$6 billion represents \$3 billion in direct economic activity, \$2.3 billion in indirect effects, and \$0.7 billion in induced effects. Cow/calf production and marketing contribute 40 percent of beef industry activity.

ECONOMIC IMPACT OF A 1-PERCENT INCREASE IN AGRICULTURE IN SOUTH DAKOTA

Agriculture is closely linked to other industries in South Dakota. Only 1 percent in additional direct output would add \$141 million to the South Dakota economy. Wages would increase by \$19 million and 1,230 jobs would be created. Business owners and stockholders would realize \$26 million in additional income for capital improvements, dividends, etc. An additional \$50 million of value added would be generated by firms turning raw products into finished goods.

ECONOMIC IMPACT OF A 1-PERCENT INCREASE IN AGRICULTURAL INDUSTRY OUTPUT ON WAGES PAID IN SOUTH DAKOTA

An increase in agricultural output would also result in increased wages to South Dakota's non-agricultural industries. A 1 percent increase in agricultural output would result in \$1.5 million of increased wages in service industries, \$2.3 million to health care workers, \$756 thousand to recreational industry employees, and \$1.8 million to employees of financial and insurance institutions, as well as generating a total of \$3.9 million in wages to livestock and \$2 million to crop production and processing workers.

ECONOMIC IMPACT OF A 1-PERCENT INCREASE IN AGRICULTURAL INDUSTRY OUTPUT ON EMPLOYMENT IN SOUTH DAKOTA

Increasing agricultural output results in new jobs. Of the 1,230 new full and part-time jobs created as a result of a one percent increase in direct agricultural production and processing, 436 jobs would be added in the livestock industry and 228 in the crops industry.

Non-agricultural employment would benefit from 566 new jobs, including 96 additional

jobs in the service industry, 77 medically related jobs, and 67 new jobs in recreation.

ECONOMIC IMPACT OF A 1-PERCENT INCREASE IN BEEF INDUSTRY OUTPUT

Beef plays a major role in South Dakota's economy. Increasing beef industry output by 1 percent would result in \$75 million in increased economic activity, including \$10 million in additional wages, \$21 million in added business income, \$33 million in increased value added, and the creation of 668 new full and part-time jobs.

ECONOMIC IMPACT OF A 1-PERCENT INCREASE IN CROP INDUSTRY OUTPUT

Crop production and processing is a major player in South Dakota's economy. A 1-percent increase in crop industry output would result in 324 new full and part-time jobs with wages of \$4.8 million dollars. \$39 million in total economic activity would be created resulting in \$10 million in added business income and \$16 million in increased added value.

CONCLUSION

The impact of the \$13.2 billion agriculture industry on South Dakota's economy is dramatic. Because of the interrelationships among the state's industries, changes in agriculture profoundly affect the economic vitality of nearly all non-agricultural industries in the state.

The importance and economic significance of supporting and promoting South Dakota's agricultural industry is dramatically illustrated by the fact that even a 1% increase in agricultural output would result in a \$141 million increase in economic activity, \$45 million in industries traditionally regarded as non-agricultural.

Production agriculture and the related processing industries clearly are the major source of economic viability in South Dakota. They provide the backbone for economic stability not only for those in the industry, but also for industries all across South Dakota.

U.S. AGRICULTURE: "SHARING OUR FINEST"

(By Jay Swisher, South Dakota Secretary of Agriculture)

"Sharing Our Finest." A very fitting theme for National Agriculture Week when you consider that the United States is the world's largest exporter of agricultural products.

Agricultural exports play an important role in our nation's economy. Every dollar of agricultural exports generates \$1.59 for the United States' economy.

Money derived from agriculture in South Dakota rolls over from our investments into activities, such as financing, warehousing, production, transportation, and leisure, that equate to the economy of South Dakota.

Marketing and processing are such an essential part of our agricultural industry that the South Dakota Department of Agriculture has created an Agriculture Development Division.

Agriculture development is responsible for assisting the agricultural and food processing industry to expend their markets. This division will work closely with state commodity associations, as well as national marketing groups. The division will also work directly with processing companies in the marketing of their products.

It is interesting to note that even though the United States continues to bear a trade deficit, we annually export over \$40 billion worth of farm products. These exports reduce our deficit in non-farm trade by 17 percent.

The countries which are the top markets for U.S. ag products are also the countries from which our nation imports most of its products: Japan, the European Community, Canada, Mexico and South Korea are the top five purchasing markets for our agricultural commodities.

Nowhere are the impacts of foreign market prices more evident than in the wheat markets. Approximately 65 percent of South Dakota wheat is exported. U.S. government credits to the Commonwealth of Independent States has brought the price of wheat from an August figure of \$2.40 a bushel to a recent high of over \$3.85 a bushel for our wheat farmers.

Approximately one billion dollars of U.S. beef is sold to Japan every year. This is a very important market to our South Dakota farmers and ranchers and one in which we are gaining ground. Greater demand in foreign markets has resulted in U.S. beef exports contributing \$33.69, per head, to the value of fed cattle. With over 500,000 head of feeder cattle marketed in South Dakota, this reflects an additional \$17 million income to feeders and producers in our state.

South Dakota hog feeders and producers also depend on export markets. Exports contribute \$3.02 per head to hogs. The results are an additional \$9 million for hog feeders and producers.

As we celebrate Ag Week we are pleased that the market for exportation of raw agricultural materials is on an upward swing, however, we should not be content with that fact. We now need to advance one more step and focus on marketing semi-processed and finished agricultural products.

Providing foreign markets with diversified products derived from agricultural commodities will enhance our own economy. Sales of this type of merchandise reverts most of its value right into our own back yard, thus creating additional wealth and jobs for South Dakotans.

YANKTON HIGH SCHOOL

Mr. PRESSLER. Mr. President, I rise today to offer my congratulations to Yankton High School. This outstanding South Dakota high school, one of many I might add, was recognized as South Dakota's winner in the list of the "Best of the States," in an article that appeared in the April 1992 issue of Redbook magazine.

We have heard much about the problems facing the education system in this country. In response, Redbook magazine has launched the America's Best Schools project. This project is designed to make public the reforms being initiated by schools across the country to improve the education of our children.

The 51—each State and the District of Columbia—high schools selected "Best of the States" by Redbook exhibit most of these eight qualities: First, involved parents; second, motivated students; third, a supportive learning environment; fourth, a challenging curriculum; fifth, a caring community; sixth, innovative teachers; seventh, visionary leaders; and eighth, student-teacher access.

The article states that Yankton High School "combines a record of academic

excellence with an alternative learning center for individualized, self-paced instruction."

Mr. President, I am proud of all the high schools in my State, but today I commend Yankton High School for this outstanding recognition. I can attest to the excellence of Yankton High School as numerous graduates of that institution have served the people of South Dakota and me personally as members of my staff over the years.

In closing, Mr. President, I would just like to say to all the Yankton High School personnel, from the cooks and custodians to the superintendent and school board members—keep up the good work.

PROMOTING FREE ELECTIONS IN ALBANIA

Mr. PRESSLER. Mr. President, today I would like to discuss an important upcoming event in Albania. Albania was ruled by Enver Hoxha, the Stalin of that country, until 1985. His rule left Albania the most economically devastated country in Europe. His successor, President Alia, made a very modest step forward.

This weekend, the people of Albania will have a chance to reverse this horrible legacy. On March 22, the people of Albania will be able to go to the polls to vote in multiparty parliamentary elections. This marks only the second time such elections have ever been held in that country. The causes of representative government, freedom, and economic reform are at stake in this election.

The candidates for Parliament can be grouped roughly into two camps—the real democrats and those who support slow reform with a continuation of Communist principles. The latter method failed miserably when President Mikhail Gorbachev tried it in the Soviet Union and it would fail again in Albania. It would leave this poor, small country in worse shape economically than it is already.

The Democratic Party of Albania will field many candidates in the election. If the Democratic Party wins in Albania, Dr. Sali Berisha likely will be elected President. I am acquainted with Dr. Berisha from his visit to Washington, DC. He and those in his party believe that Albania should join the ways of Western Europe. His leadership would help lead Albania forward. Specifically, he would pursue policies that would attract Western help and investment.

I hope the democratic candidates in Albania will be able to overcome the obstacles they faced in the 1990 election; namely, the inability to access print and radio media, intimidation at the polls, and unfair electoral laws.

In addition to the elections in Albania, we should not neglect what is happening with the Albanians of Kosovo.

The Kosova Albanians live under a state of military siege imposed upon them by the Communists of Belgrade. Kosova's Prime Minister, Dr. Bujar Bukoshi, lives in exile. I met with him during his recent visit to Washington and was impressed by his commitment to freedom and self-determination for the Albanians in his homeland. I hope he will be able to return to a free Kosova unconstrained by the imperialistic Belgrade government. I hope that the United States will support the introduction of U.N. peacekeeping forces in Kosova and reverse its policy of preserving Yugoslavia—a virtually defunct state maintained by coercion, that no longer even provides the stability it once did in that part of the world. To that end, I recently introduced Senate Concurrent Resolution 96 which, among other things, affirms the independence and calls for United States' recognition of Kosova.

The United States is in the position to play a positive role in the Albanian elections this weekend and in the future. I am pleased the United States has sent humanitarian assistance to the people of Albania and is now in the process of instituting technical assistance programs. However, the people of Albania should know that our ability to give technical assistance to Albania depends to a large extent on what Albanian Government is in power. We cannot offer expertise on privatization and rejuvenation of agriculture if the government opposes taking these steps, or takes them only halfheartedly.

Mr. President, I would like to let the people of Albania know that the United States is their friend and would like to do what it can to help them return from the nightmare of Communist rule to the European Community of nations.

I ask unanimous consent that a transcript of a Voice of America interview for broadcast to Albania in the days before the election be included in the RECORD at this point.

There being no objection, the interview was ordered to be printed in the RECORD as follows:

INTERVIEW WITH ALBANIAN SERVICE OF VOA,
MARCH 17, 1992

1. Albania is holding Parliamentary elections this Sunday. How do you view these elections?

I am pleased that the people of Albania will be able to go to the polls this weekend to vote in the second-ever multi-party parliamentary elections. I support those candidates who will promote free market and democratic reforms, not just a continuation of ruinous Communist policies.

I am acquainted with Dr. Sali Berisha of the Democratic Party. He and those in his party believe that Albania should join the ways of Western Europe. His leadership would help lead Albania forward. Specifically, he would pursue policies that would attract Western help and investment.

However, even though I am concerned today with the elections in Albania, I do not want to neglect Kosova. The Albanian people

of Kosova live under a state of military siege by the Communists of Belgrade. Their Prime Minister, Dr. Bujar Bukoshi, lives in exile. I met with him during his visit to Washington and was impressed by his commitment to freedom and self-determination for the Albanians in his homeland.

2. How are the results of the elections likely to affect U.S. relations with Albania?

First, I am pleased that the United States has sent humanitarian assistance to the people of Albania and is now in the process of instituting technical assistance programs. However, I believe that our ability to give technical assistance depends to a large extent on the Albanian government in power. We cannot offer expertise on privatization and rejuvenation of agriculture, if the government opposes taking these steps, or takes them only half-heartedly.

I would like to let the people of Albania know that the United States is their friend and would like to do what it reasonably can do to help them return from the nightmare of Communist rule.

AVOIDING A UNITED NATIONS ENTITLEMENT

Mr. PRESSLER. Mr. President, on February 20, I welcomed Secretary General Boutros Ghali to his new position at the United Nations. I called for a general U.N. budget that reflects zero real growth—consistent with U.S. policy.

On February 20, I suggested the international organization determine "what the United Nations can and should realistically hope to accomplish within the constraints of cost-effective budgeting." I also stated that, "Secretary General Ghali should not be surprised if Congress asks more questions about the way the U.N. system spends its funds." Mr. President, I rise today to begin to ask those questions.

Serious doubts about U.N. assessments have surfaced. They must be addressed. It is time for Congress to consider whether U.N. assessments are to have the same budgetary result as domestic entitlement programs.

In recent hearings before House and Senate Appropriations Subcommittees, Secretary Baker and Assistant Secretary John Bolton have faced tough questions regarding the rapidly increasing costs to the American taxpayer of U.N. peacekeeping activities. The increases are caused by a proliferation of new efforts approved by the Security Council, of which the United States is one of the five permanent members.

The United Nations is proposing peacekeeping efforts in places as diverse as El Salvador, Yugoslavia, the Western Sahara, and Cambodia. It is reasonable for Congress to ask serious questions of American policymakers before agreeing to pay assessments not foreseen when Congress wrote the Foreign Relations Authorization Act (Public Law 102-138).

Mr. President, the United States currently is assessed 30.4 percent of all peacekeeping costs. However, under

current practice Congress has no say in determining where peacekeeping forces should be sent or how much should be spent on such efforts. Congress is merely presented with the cost to which the administration has agreed and told it must authorize and appropriate that amount.

The U.N.'s scale of assessments is set by a U.N. committee on which the United States serves and is ratified by the General Assembly. As with other U.N. system assessments, the percentage is calculated on what the United Nations determines is a country's ability to pay. For the general budget, the United States is assessed 25 percent of total costs.

In the case of peacekeeping, the United States is assessed 30.4 percent because we are required to subsidize the assessments of less and least developed countries. The United Nations maintains that the United States and the other permanent five members of the Security Council, Great Britain, China, France, and Russia, gain more from the international stability promoted by peacekeeping activities than do other countries. In addition, since the Security Council approves peacekeeping efforts, the United States is assessed at a higher rate because the permanent five have greater influence over commitments to peacekeeping than over general budget decisions in the United Nations.

Mr. President, other members of the permanent five and countries with large economies are assessed substantially less than the United States, both for general budget and peacekeeping purposes. For example, while the United States is assessed almost one-third of the cost of peacekeeping, Russia is assessed at 13 percent, Japan at 11 percent, Germany at 9 percent, France at 7 percent, and the United Kingdom at nearly 6 percent. It appears the United Nations may be prepared to excuse Russia some assessments because of the fall of the Communist regime in the former Soviet Union. Without question, this will increase what United States taxpayers will be expected to pay.

With the welcome breakup of the Soviet Union, the United Nations may recalculate the scale of assessments in 1992. If so, the State Department and Permanent Representative-Designate Edward Perkins should be aware of congressional concern over the scale of assessments before placing a further burden on United States taxpayers.

Mr. President, I anticipated some of the questions raised in the recent appropriations subcommittee hearings. Some members of the subcommittees suggested that U.N. peacekeeping be funded by transfers from the Defense Department to the International Affairs budget account. I believe that solution is shortsighted and unwise. Defense Department expenditures exist to

provide for the vital national security interests of the United States. Few Americans would accept proposals to divert funds authorized and appropriated for U.S. Armed Forces and defense programs to U.N. peacekeeping activities. Congress should not engage in that kind of shell game.

A second approach suggested in the appropriations hearings was to regionalize peacekeeping funding. Under this concept, Japan might pay most of the costs for peacekeeping in Cambodia while European countries would pay most for the Yugoslavia force. One idea was that the United States only consider paying for peacekeeping in our own backyard—for example in El Salvador—but not in other regions. This is perhaps understandable, but it alters the foundational principles of the United Nations—an organization created to function as a multilateral body.

Two other issues were discussed in 1991 when the Senate Foreign Relations Committee was writing the Foreign Relations authorization bill. In several instances, U.N. peacekeepers have been stationed for decades in order to keep warring factions apart. There is no sunset law for peacekeeping. Once peacekeepers are assigned, they could remain forever.

Concerned about the huge amount being authorized for repayment of U.N. assessments from the 1980's—so-called arrearage payments—several Senators also suggested that these funds be used to cover new peacekeeping costs.

Some or all of these proposals may have some merit, but none has been carefully considered by authorizing committees as part of the legislative drafting process. One good idea—proposed by the distinguished Senator from Colorado, HANK BROWN, has become law. It calls for the United Nations to ensure that in-kind contributions by the United States and other countries to U.N. peacekeeping activities be included at their full value when calculating each country's contributions to U.N. peacekeeping efforts.

Another interesting suggestion would increase the role of regional organizations in democracy building and peacekeeping activities. For instance, the Organization of American States, under Secretary General Baena Soares, has pioneered new approaches to democratic development. Its attempts to resolve Haiti's political situation are commendable.

Empowering regional international organizations may be one practical way to deal with concern about the mushrooming costs of peacekeeping and transitions to representative government. A strong NATO or EC role in Yugoslavia makes sense, as does leadership from the Association of South East Asian Nations [ASEAN] in Cambodia. The Organization of African Unity has already been involved in Liberia—why not in Western Sahara?

This might be a practical way for more countries to share the burden of democratic development and peacekeeping.

Such an approach can also help assure that countries in the same region of the world provide most of the guidance in regional decisionmaking. In the aftermath of the cold war, the world has evolved into a dual system in which there is one global superpower, the United States. At the same time, the world has become a multipolar system emphasizing the responsibility of influential and interested regional powers. In a new world cooperative system, it may not always make sense for the United Nations itself to assume global policing and democratic development roles. John Bolton's concept of a unitary United Nations was intended to prevent duplication within the U.N. system. However, it may be appropriate to extend that concept so that, to the maximum extent possible, the United Nations—with its high level of assessments—is not asked to do things that can and should be done regionally.

Mr. President, let me return to the subject of a proper congressional role in planning United Nations' costs. I propose, at least as an interim step, that Congress and the State Department's Bureau for International Organization Affairs—which is responsible for the United Nations—have close and continuing consultations on peacekeeping well in advance of any financial commitment. I would gladly participate in such an effort.

For example, the possible need for a U.N. peacekeeping presence in Cambodia was well known for many months. But I was astonished to learn that the United Nations has proposed a budget of more than \$1.9 billion for this effort. I do not believe it is prudent to ask United States taxpayers to pay in excess of \$582 million for the program envisioned in Cambodia. While it may make sense for the United Nations to have a role in the transition of that country, the proposed cost is simply too high.

An example more obscure to most Americans is U.N. peacekeeping and supervision of a referendum in Western Sahara. This former Spanish colony has been the scene of conflict between Morocco and the Polisario rebel movement for many years. It may make sense for the United Nations to have a presence there. However, no case has been made to the Foreign Relations Committee, prior to the required authorizations legislation, that a 30.4-percent U.S. contribution for the Western Saharan effort will protect our vital national security interests.

Mr. President, U.N. funding comes down to the classic struggle between the legislative and executive branches of Government. Negotiations under international treaty obligations must be left to the executive branch. What I am calling for—at a minimum—is a

partnership between the authorizing and appropriating committees of Congress and the State Department's Bureau for International Organization Affairs, which is responsible for the U.N. budget.

The best way to assure a zero growth U.N. budget is for the State Department to have regular discussions with Congress on budget policy while the budget is being hammered out in the Fifth Committee. Usually this occurs late in each session of the U.N. General Assembly.

To guard against sticker shock in peacekeeping costs, authorizing and appropriations committees should have a predictable system of consultation and timely notice with appropriate officials of the Bureau of International Organization Affairs. Generally, there is adequate warning before conditions in a country reach a point requiring peacekeepers. Significant U.N. involvement in sorting out a political settlement, as in El Salvador, could have activated executive branch consultations with Congress on the appropriate level of U.N. involvement. Inevitably, this would lead to a discussion of the type and size of a commitment, as well as its potential costs.

Consultations and notice of the kind I propose also would provide a brake against U.N. overspending on peacekeeping operations. For example, the United Nations says it wants to spend more than \$1.9 billion for peacekeeping in Cambodia. According to the present United Nations scale of assessments for peacekeeping, U.S. taxpayers would have to pay at least \$582 million. Mr. President, that amount is unconscionable given our Nation's current economic distress.

My point is that peacekeeping needs do not sneak up on the State Department or the United Nations. There is ample time for the relevant bureau in the State Department to notify Congress once informal discussions of a peacekeeping effort begin within the United Nations. The resulting discussions and negotiations would encourage fiscal reasonableness and assure that Congress will support the assessment once it becomes official.

Since Congress is responsible for authorizing and appropriating funds for international organizations, it is only fair for Congress to insist on a consultative role in the process well before peacekeeping funding is agreed to by the executive branch.

Mr. President, Congress must work with the administration in planning and funding the International Affairs budget account. The United Nations must learn to live within its means—and Secretary General Ghali is making progress in that direction. The U.N. system also must learn to live within the means of its member states. Early and frequent discussions of peacekeeping priorities is the best way to avoid

policy gridlock or international embarrassment.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

INTEGRITY ON THE COLLEGE CAMPUS

Mr. METZENBAUM. Mr. President, the Washington Post last week ran an article entitled "Single Company Deals Are No Way for Universities to Promote Research," written by Michael Schrage, a columnist with the Los Angeles Times. I ask unanimous consent that the article be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. METZENBAUM. The article describes a deal which the University of California at Irvine entered into with Hitachi Chemical Co., a Japanese chemical company. The university has agreed to have Hitachi build a state-of-the-art research facility on university land. Hitachi will share the facility with the school's highly rated Biochemistry Department.

Purportedly, Hitachi is getting a free lease in exchange for building this facility, but it is clear that what they really get out of this deal is access to the creative thinking of the school's and the country's best young chemists.

What could be better for Hitachi than to be able to share a building with our best chemists? Not only does Hitachi get the benefit of the latest research and thinking, but they may even be able to steer research in directions which most benefit their own corporate plans. Hitachi will also get the jump on its competitors in thinking up market applications for new discoveries. I do not blame Hitachi. My concern has to do with the direction the school is being led.

Are these school officials so naive that they do not see what is going on here? For an institution supported by State, and probably Federal funds, to enter into such a deal is disturbing. Why should research done with taxpayers dollars benefit any private company, particularly a foreign company? Why should a major American university work out this on campus relationship with a foreign company in connection with the development of research so important to all of us?

Hundreds of millions of dollars in Government funding support our university research facilities annually. I am frank to say I do not have available to me at this point the specific number of those dollars that are available to this university. But the question really is should private businesses be able to buy on the cheap—for the price of a building—the benefits of that university research in this country? I think not. The benefits of our university re-

search should not be given away to any private company and certainly not to our international competitors.

I hope that other schools presented with such deals will appreciate the value of their research facilities and not give away an important national resource. These deals are shortsighted and dangerous.

[From the Washington Post, Mar. 13, 1992]

SINGLE-COMPANY DEALS ARE NO WAY FOR UNIVERSITIES TO PROMOTE RESEARCH

(By Michael Schrage)

Pity America's universities. First they had to worry about being "politically correct." Now they have to worry about being "industrially correct."

Thanks to critical references in Michael Crichton's best-selling novel "Rising Sun" and a recent "news" segment on ABC's "20/20" program, the University of California at Irvine has come under scrutiny for cutting a special deal with Hitachi Chemical Co., one of Japan's most diversified chemical companies.

In exchange for a free lease on university land about 50 yards off campus, Hitachi agreed to build a state-of-the-art research facility that it would share with UC Irvine's excellent biochemistry department. So Hitachi has a lab where it can not only conduct its own proprietary research, but one where its researchers can also pop downstairs to chat with professors and post-docs about basic molecular biology questions. To be sure, rigorous conflict-of-interest agreements have been drawn, and Hitachi insists that its researchers are there to learn, not influence UC Irvine's research agenda.

But as biotechnology is one of the hottest research areas around, this is not a bad location for an ambitious chemicals company to be. Understandably, critics wonder why a Japanese company—rather than an American company—should be able to cohabit with a top-flight university research department. The answer is simple: UC Irvine needs the research facility and Hitachi was prepared to pay for it.

"To us, it was a land deal—we just needed space," says Paul S. Sypherd, UC Irvine's vice chancellor for research. "To them, it was a laboratory deal. We don't see this as a harmful case."

"Because it was Hitachi, because it was the first foreign company, because it was unusual, we bent over backward to make sure that all our rules and policies were scrupulously and meticulously observed," Chancellor Jack Peltason says. "We understood that this arrangement is a more difficult one to explain than if there were two separate buildings separated by three blocks. . . . We wanted to be able to pass the 'red face' test, and we think we do."

In essence, UC Irvine played real estate mogul and had Hitachi Chemical build it an expensive "research condo" with no strings attached. Pretty clever, huh?

Actually, no. While this deal isn't stupid, dumb or venal, it's certainly unwise. It creates the sort of unfortunate precedent that will end up haunting UC Irvine and, ultimately, the entire UC system.

The real concern shouldn't be that this particular company on campus is Japanese, although California taxpayers can rightly ask why their tax dollars are helping subsidize foreign research efforts. The issue is just what forms of industrial cohabitation should a state-funded university permit.

If you agree with the idea that universities should be a source of both technological in-

novation and economic competitiveness, what is the rationale for giving one private company precedence over another? If the answer is "money," you have a policy where the state is putting its taxpayer-funded research institutions up for the highest bidder. Then why not simply "privatize" the university?

Indeed, why should Hitachi Chemical and not Toray Industries Inc. or Du Pont Co. be sharing biochemistry labs? Why not have International Business Machines Corp. or Apple Computer Inc. adopt the most desirable parts of the computer science department? Perhaps Merck & Co. or Sandoz Ltd. might be willing to pay for joint hospital research facilities. Having top university brains right next door can be a wonderful competitive advantage.

"I think the idea of a physical co-location is a red herring," UC Irvine's Sypherd insists. "We're already co-located globally with all our electronic mail, faxes and international conferences."

But if physical co-location doesn't matter, why would Hitachi Chemical bother to cut the deal? If Hitachi finds that the shared facility boosts its research productivity, why shouldn't other companies seek similar accommodations? It's one thing for a campus to encourage private industry to participate in research, it's quite another to have facilities that blur the lines between public and proprietary.

Clearly, it is not "industrially correct" for a campus touting itself as an innovation generator to provide preferential access to a Japanese company over an American one. Perhaps UC Irvine and the University of California system might want to consider inaugurating an "affirmative action" plan that assures that American companies are well represented on campus. You can be sure that if they don't, the state of California will.

Just as today's state universities shouldn't discriminate against students on the basis of gender, ethnicity or ability to pay tuition, the enlightened research university that's promoting technology transfer should assure that minority- and female-owned businesses are adequately represented on campus and in the industrial parks. The university wellsprings of economic competitiveness shouldn't just be for the elites, but must be made accessible to all business strata, right?

The point here is that America's research universities in general—and the UC system in particular—have done a grossly inadequate job of articulating what roles they want to play in promoting economic development. Soliciting funds and playing Trammell Crow should be a byproduct of the university's mission, not its focus.

Similarly, state governments that happen to fund world-class research universities have to look beyond funding levels and intellectual property agreements and ask what kind of public/private deals make the most sense for their citizens.

The tough questions are beginning to be asked. It's not clear that the answers are the rights ones.

Mr. BURNS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of S. 2377 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COATS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Indiana is recognized.

Mr. COATS. I thank the Chair.

(The remarks of Mr. COATS, Mr. NICKLES, Mr. GRASSLEY, and Mr. BOREN pertaining to the introduction of S. 2384 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOREN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTEREST RATES

Mr. D'AMATO. Mr. President, today I have sent a letter to Secretary Brady. I ask unanimous consent that at the conclusion of my remarks a copy of that letter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. D'AMATO. Mr. President in that letter, I basically outline an issue that I have recently called to the attention of the Secretary of the Treasury and the Chairman of the Federal Reserve. That issue involves the failure on both the part of the Secretary of the Treasury and the Chairman of the Federal Reserve to see to it that lower interest rates are passed on to the public in the form of available credit.

Unfortunately, this has not been the case. I have had numerous constituents write to me, speak to me, stop me, and say, what is the sense of lower interest rates if we cannot get a loan? Indeed, while the interest rates have come down to historically low proportions—and I think one has to go back some 18 years before one can find a lower discount rate—the fact is that this reduction in interest rates has not resulted in credit being made available to creditworthy people in the business community.

Indeed, commercial loans and lines of credit are being called in as we speak today. The Federal Reserve has embarked upon a program to lower the cost of money through its monetary policies. Savings have made the banks' balance sheets more profitable as a result of these reductions in interest rates. But how has this been passed on to the general public? Let me share with you some statistics, and I mentioned these in my letter to Secretary Brady as well.

On average in the last year, total assets of commercial banks have in-

creased by 5 percent, that is a total of \$182 billion in growth. During that period over the past year, banks have increased their holdings of government securities by more than 21 percent or \$95 billion.

Banks have elected to increase their holdings of Government securities because today long-term bonds yield almost 8 percent and 5-year bills yield almost 7 percent.

That may sound rather esoteric and people may ask how that affects credit. It affects credit because if you are a banker and can get a 7 or 8 percent yield by buying Treasury securities and money costs 4 to 5 percent—that is a pretty handsome return. It costs me 4 percent to borrow, and I lend at 8 percent. Who do I end up lending to—the Federal Government.

Banks do not have to set aside any capital for investing in Treasury securities. So why would a banker want to lend to John Q. Public and get one-half percent or 1½ percent more in profit margin when there would be risk attached to it, not to mention Federal regulators breathing down his back and scrutinizing the loans.

Looking over the past year, it becomes obvious that Treasury's policy of issuing securities: 5-year, 10-year and 30-year has resulted in a dramatic increase in the cost of those securities to the Federal Government, and ultimately to the taxpayer who eventually has to pay the interest and that money back. More importantly, during a time when we are starved for credit, Treasury policy has actually reduced loans being made available to the public because investing in government securities has become more desirable than lending.

Not only has this policy failed to make more money available, but it has reduced credit significantly. Indeed, if one looks at the figures, banks have reduced commercial lending during the last year by \$27.8 billion.

Mr. President, if this had been the first time that this Senator and others had called this to the attention of Secretary Brady, and Mr. Greenspan, who I voted against in the Banking Committee because I think his policies have directly contributed to the financial morass that we are in, then I might be accused of being premature.

However, I, and others, have raised this time and time again. I raised it as recently as this week with the Secretary at an Appropriations Postal Subcommittee hearing. One of my colleagues, Senator MACK, called for the resignation of Secretary Brady last month. I disagree with Senator MACK because he should have called for the resignation a year ago, not a month ago. I too should have joined asking for Secretary Brady's resignation a year ago. The Secretary of the Treasury is not in the real world. If he continues his present policy, he will continue to

delay economic recovery. People are starved for credit; creditworthy businesses are being denied credit; and the Secretary of the Treasury is too busy to notice because he is preoccupied with fattening up the portfolios of the banks.

I understand we want to see to it that the banks do not crumble and collapse and become another financial industry calamity. We do not want taxpayers to bail out the banking industry. However, some of the reduction in the cost of money, if not a major part, should be passed on to the American public. What is the sense of reducing the interest rates to zero if credit is not available to creditworthy borrowers?

So if I sound like I am frustrated, it is because I am frustrated. I think my voice echoes what is being said by millions and millions of Americans. These people are hardworking people who have good solid businesses, and loans that are being called in. You cannot blame only the bankers; it is the regulators; it is the Secretary of the Treasury; and it is a blind, failed policy. The final result has many, many people.

If this continues, indeed, everyone will suffer the consequences when this economy fails to turn around, including the President of the United States. There is no reason for the Treasury to say we are going to continue to study, study, study. That is all I hear. I hear it from Chairman Greenspan and I hear it from Secretary Brady. I hear this from Secretary Brady even after he acknowledged to me just 2 days ago that these numbers and these facts I have been discussing are correct.

I think it is about time, unless the studying stops and decisive action is taken soon, that the Secretary of the Treasury resign. It is long overdue. Secretary Brady cannot allow this practice of bringing interest rates down while denying creditworthy people the credit they are entitled to. The disastrous results are evident by the failure to bring about a turnaround in the economy—a turnaround that many people had anticipated.

So, Mr. President, I have sent this letter to the Secretary of the Treasury, and I ask him to respond. I hope that the public gets a better response than we have heretofore. I certainly have, I think, withheld my criticisms for far too long.

We do ourselves, the administration, and the American people an injustice if we simply say: "Let us not rock the boat." Now it is time to rock the boat on behalf of the people of this country. Indeed, every day that this policy continues, that the balance sheets of the banks improve, yet the American people fail to get credit to which they are entitled virtually guarantees a day of delay in the improvement of the economy.

Mr. President, I hope that the people at Treasury get my message, because I

am going to continue to come to the Senate floor every day that I see a lack of action, every day that I see the same continued failed, flawed policy, and I will call this to the attention of the American public over and over and over again.

That is one way that I can contribute to help move this economy forward and to get the Treasury and the Federal Reserve to bring about a policy that can lead to a speedy recovery of an otherwise terribly damaging recession that we are still mired in.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,

Washington, DC, March 20, 1992.

NICHOLAS F. BRADY,
Secretary of the Treasury, Department of the Treasury, Washington, DC.

DEAR SECRETARY BRADY: Although I understand that the regulators—Treasury, the Office of the Comptroller of the Currency, the Federal Reserve and the Office of Thrift Supervision—have been working on various regulations intended to ease the credit crunch, I am concerned that banks are still not making credit available to creditworthy borrowers.

As I discussed with you at a Banking Committee Hearing on February 26 and at an Appropriations Hearing on March 18, my concern stems from the fact that banks are loading up on Treasury bills, notes and bonds rather than making loans to creditworthy borrowers.

On average, in the last year, total assets of commercial banks increased by 5%—a total of \$182 billion in growth. During this period, banks increased their holdings of government securities by a dramatic 21% or \$95 billion and decreased their commercial lending by 4% or \$27.8 billion.

It is apparent that, rather than engage in the business of making loans to creditworthy borrowers, banks have turned into government bond funds. I am concerned that the lack of available credit will slow down the recovery of our economy. Until credit becomes available to the American people, the recession will continue and the hoped for turn-around in the economy will not take place.

Treasury and the Federal Reserve have managed to substantially reduce the cost of money, yet have failed to encourage banks to lend it out. Lower interest rates have allowed banks to improve their balance sheets but banks are not passing the benefit of lower rates on to creditworthy borrowers in the form of credit.

I asked you at both of those hearings what the Treasury Department planned to do to correct this obvious imbalance between the banks' government securities portfolio and loan portfolio. So far, I have heard nothing more than an acknowledgment of the problem.

At your earliest convenience, I would like to hear what the Treasury Department has planned to deal with this problem of banks investing in government securities rather than making loans. Thank you.

Sincerely,

AFONSE M. D'AMATO,
U.S. Senator.

Mr. SIMON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

U.N. PEACEKEEPING

Mr. SIMON. Mr. President, the Senate is considering two requests from the administration for U.N. peacekeeping—\$350 million additional for fiscal year 1992 and \$438 million for fiscal year 1993. Some are saying we cannot afford these expenditures. I believe we cannot afford not to fund peacekeeping.

The events of the last 2 years have permanently changed the international scene. The United States may be the sole remaining superpower, but we cannot go it alone and we should not attempt to maintain global peace and security by ourselves. We do not have the means to do so, and the rest of the world will not accept us in such a role, whatever the misplaced aspirations of the Defense Department as reported recently in the New York Times and Washington Post. Global stability is increasingly dependent on the cooperative efforts of nation states—we have to recognize that—acting in concert under a U.N. regional collective security mandate. That is the direction that we are going to have to be going. The permanent members of the Security Council, for the first time in history, find themselves in agreement on deployment of peacekeeping missions to troubled and volatile areas around the world.

And let me add, Mr. President, this is a chance to shift the burden from the U.S. taxpayer to the rest of the world. The United States cannot be the world's policeman. And if we fail to fund the U.N. peacekeeping efforts, we are failing U.S. taxpayers and we are failing our children in generations to come.

The United States has a vested interest in seeing that U.N. peacekeeping missions succeed. Deployment of peacekeepers is the best way to prevent conflicts from spiralling out of control, conflicts that could threaten regional stability and could undermine U.S. political and economic interests in these areas. Failure to respond with U.N. peacekeeping forces could also result in a need for significant U.S. military action and other funding for efforts undertaken to help restore stability.

U.N. peacekeeping operations are not—and let me stress this—are not foreign aid, nor have they ever been foreign aid. I am not a critic of assisting other nations. As a matter of fact, we are doing much less of that in terms of our GNP than the Western European nations and Japan.

But this ought to come out of the defense function, not the foreign aid function. U.N. missions now often substitute for U.S. or allied operations to keep the peace and maintain stability in regions important to our interests. This funding is not altruistic. It is directly related to essential U.S. foreign policy goals.

We need to shed the image of the United Nation as a hostile organization

opposed to U.S. interests. In the main, U.S. principles and policies have triumphed over the competition. The wave of democratization and the turn toward free markets that have characterized the history of the last 2 years vindicates longstanding U.S. positions at the United Nations.

And let me just add, Mr. President, the wave of moving toward democracy and recognizing human rights is everywhere. Look at Latin America. There is not a single dictatorship left in Latin America, believe it or not. It is hard to believe when not too many years ago, that was the common thing.

In Africa, there is still the image of Africa dominated by dictators. Well, there is Mobutu in Zaire; there are some dictators; but the wave of the future in Africa is democracy.

It is important that the American Government and public appreciate this development. Changes that have occurred since the collapse of communism in the former Soviet Union and Eastern Europe have offered significant opportunities for democracy and individual liberties but also presented new challenges to world peace.

A significant part of the State Department's request for peacekeeping funding will go for support of three new U.N. forces: Cambodia, Yugoslavia, and El Salvador.

It was not too long ago we were spending more in El Salvador on the military than we are now being asked to spend for the U.N. peacekeeping for the whole rest of the world. It just makes sense to assist.

The Cambodian people were first victimized by the Khmer Rouge Government, and then by a bitter civil war resulting from Vietnam's 1978 invasion and occupation. Following adoption of the peace accords in Paris in October last year, there is now a real opportunity to bring democracy and restore prosperity to this divided country. The administration's peacekeeping request for fiscal years 1992 and 1993 includes significant funding for the U.N. Transitional Authority in Cambodia [UNTAC].

Let me just add, Mr. President, we face responsibility. We, in response to what was happening in North Vietnam, moved in militarily into Cambodia. So we share a very real responsibility for the fate of that country.

I share a concern about any return to power by the genocidal Khmer Rouge, but it is clear to me that the U.N. Transitional Authority in Cambodia's implementation of the Paris accords offers the best way to control the threat still presented by the Khmer Rouge. It also offers the only hope for a comprehensive settlement acceptable to the Cambodian people and the international community. It is essential that we give full support to the Secretary General's special representative for Cambodia, Mr. Yasushi Akashi, and

to the U.N.'s Transitional Authority in Cambodia.

The resurgence of long-simmering nationalist and ethnic animosities have caused great bloodshed and destruction in Yugoslavia, and have set nearby Armenia and Azerbaijan at war with one another over the enclave of Nagorno-Karabakh. U.N. Special Envoy Cyrus Vance recently began a fact-finding tour in Armenia, perhaps presaging a role for U.N. peacekeeping there.

Let me add we ought to be very proud of Cy Vance and the contribution he has already made in Yugoslavia and now in Armenia and Azerbaijan. A number of other potential conflicts are brewing in the former Soviet Union and Eastern Europe.

The United Nations has just begun deployment of a peacekeeping force to Yugoslavia. Unable to save itself from the tragedy of a civil war in which thousands died and entire cities were destroyed, the Yugoslav republics turned for help to the international community. The European Community made a valiant effort to try to restore the peace, but was overcome by the strength of nationalist passions. The U.N. force in Yugoslavia offers the only prospect for ending the violence and allowing the Yugoslav republics to hammer out a political solution to their divisions.

Our interest in supporting the U.N. peacekeeping force is clear. Not only will this be good for Serbians, Croats, Slovenians, and others in what is rapidly becoming the former Yugoslavia, but U.N. success there will help prevent the spillover of historical animosities throughout the Balkans and Eastern Europe.

After years of bitter civil war, we witnessed the signing of a peace treaty for El Salvador in January of this year. The U.N. Observer Mission in El Salvador will monitor compliance with this agreement and with the 1990 San Jose Agreement on Human Rights. Peace in El Salvador brings to an end the violence that has wracked Central America for well over a decade. We have an obvious stake in ensuring a return to stability in a region so close to the United States and in which we have historically played an important role.

These are the major new U.N. peacekeeping missions. The fiscal year 1993 request also includes money for repayment of our U.N. arrearages and funding for other existing U.N. peacekeeping missions. Such appropriations are important for the maintenance of U.N. forces who continue to ensure security at important flashpoints in the Middle East and elsewhere.

In the post-cold-war era, it is clear that we can make dramatic reductions in the defense budget while still preserving our security and ability to project power when necessary. Representative LES ASPIN's proposals offer a number of alternatives to the Bush

administration's position, and they are worthy of consideration. I have called for reducing the defense budget by \$150 billion over 5 years to secure funds for much needed domestic programs as well as reducing the deficit.

I was the first Senator to call on the President to consult on revising the Budget Enforcement Act to permit transfers between the three discretionary categories and introduced S. 644 to accomplish this. I support Senator JIM SASSER's later version of this idea, S. 2250, which will permit transfer of defense funds for domestic use.

I believe that in the new, changed circumstances we face today, peacekeeping costs should be considered as national defense expenditures for the reasons I have just outlined. Senator WARREN RUDMAN recently suggested to Secretary of State Jim Baker that the administration consider requesting the use of defense funds out of what we call function 050 on the Budget Committee instead of using the function 150 "Contributions to International Peacekeeping Activities"—the foreign aid function. I support that proposal and plan soon on introducing legislation to follow through on the suggestion that has been made by Senator RUDMAN.

U.N. peacekeeping benefits not only the United States, but every member country of the organization. The United Nation's Committee on Contributions will be meeting this summer to review the current assessment formula and report to the General Assembly this autumn and again in the fall of 1993. The scale of assessments will be set in 1994 for 1995-97. I urge the administration to ensure that any new formulation adopted in 1994 take fully into account the actual economic state of all member countries in that year.

I think the United States, frankly, can play a little less of a role in terms of the percentage that we contribute financially. But U.N. peacekeeping deserves the full support of all members of the United Nations, and none more so than the United States because we have been the great spender on the military side. As a great power concerned with the rapid political and military changes occurring around the world—and we are the only superpower left—U.N. peacekeeping offers an important and cost-effective way of restoring and maintaining peace and stability, and saving money for American taxpayers.

As my colleagues know, I do not always agree with the administration, but Secretary Baker's defense of peacekeeping funding strikes me as absolutely on the mark. The U.N. peacekeepers deserve our full support, and I hope my farsighted colleagues here will agree to provide the funds necessary to run these vital operations.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, I thank my colleague from New Hampshire for allowing me to speak. He was here before I was. I have been asked by Senator HELMS for a minute and a half. I yield to him a minute and a half to speak at this time.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSORE

Mr. HELMS. Mr. President, the Federal debt run up by Congress stood at \$3,859,479,522,708.68, as of the close of business on Wednesday, March 18, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers \$286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to \$5.5 billion every week, or \$785 million every day.

THE BRADY BILL

Mr. KOHL. Mr. President, I rise today for two purposes: First, to express my disappointment with the Senate's failure to invoke cloture on the strong anticrime package agreed to in conference; but second, I rise to suggest the time has come to remove the Brady bill from the larger measure, pass it separately, and send it to President Bush.

The conference committee report contains many excellent provisions. It would, for example, increase penalties for firearms use, provide needed funds to law enforcement agencies, and help States and local police do more to combat violent gangs. And the most recent Republican proposal also has merit. But the sad truth is that we are at an impasse: Democrats do not want to modify the habeas corpus provision in the conference report, and Republicans do not want to accept a crime bill with that same habeas corpus provision.

Yet, Mr. President, while we debate these matters here in Congress, firearms violence continues to rage in our cities and on our streets. Guns were used in nearly 13,000 murders in 1990—a 20-percent increase over 1986. Guns were used in more than 600,000 violent crimes last year. And no State is immune from this gun-related violence. Indeed, it may be more dangerous to live in a major American city than to serve our country in a foreign war. Fewer than 300 Americans died during the Persian Gulf conflict, but 489 people were murdered last year right here in Washington, DC.

Though there is no panacea for our crime problem, there is a crucial step

we can take now to reduce some of the carnage. We can move—as separate legislation—the Brady bill provision which was agreed to in conference. The conference provision builds on the proposal originally introduced by Senator METZENBAUM. But it is essentially the same measure—with a few minor and technical amendments—that passed the Senate. In brief, it has three major components: A mandatory background check for all firearms purchases; a uniform 5-business-day waiting period for handgun purchases that would remain in effect for at least 2½ years; and \$100 million for States to upgrade their computerized criminal history records.

Mr. President, I still hold out hope that in the next few months we can pass a broader anticrime package. And I have told Chairman BIDEN that I will work hard for such an agreement. But we should not sit still while criminals and drug traffickers continue to purchase many of their firearms over the counter. Instead, we should pass the Brady bill now. It has the support of more than 90 percent of the American people and it passed the Senate by an overwhelming 67-to-32 vote. And in the meantime we can continue to try to work out the remaining points of contention in the crime bill.

Mr. President, all anybody needs to do is open their newspaper and read about yesterday's shootings and they will recognize this simple truth: Never has the need for the Brady bill been so pressing and the consequences of its absence so terrible.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

PORK BARREL PROJECTS

Mr. SMITH. Mr. President, it is not very often in Washington that the taxpayers get very much good news, but the headline on the Washington Times this morning says, "Bush To Ax Democrats' Pork Barrel."

Of course, we all know there are a lot of pork barrel projects in some of the budget bills, spending bills we pass. It is not all Democratic pork. There is some Republican pork in there as well. The headline is partly accurate.

The story essentially details, Mr. President, that the President now plans to join the battle with Congress and propose to rescind spending for hundreds of congressional pork barrel projects. I want to take this opportunity to say to President Bush, "Welcome aboard." This is good news because last year, I introduced legislation in the Senate—the first of its kind; it has never been done before—and this identified more than 300 projects totaling more than \$1 billion that were tucked in spending bills by Members of Congress. The ultimate in pork.

Frankly, it was a lonely battle out here. It was not easy. It was also a

lonely battle in and around the cloakroom and the Halls of the Senate. People were not exactly clamoring aboard to say, "I will help you, Senator SMITH. We will give you a little help and try to take some of these projects out; they are wrong."

No, as a matter of fact, my legislation had three cosponsors, Mr. President. That is all I could generate. But the process, in addition to identifying these projects, also called for reform; that if we are going to have these kinds of projects, we ought to have hearings on them, they ought to be authorized, they ought to be competitively bid and we set up some major criteria for that. But, again, the Senate did not listen; the Congress did not listen.

I also, in an effort to get the President on board, wrote to the President urging him to challenge Congress on this pork barrel spending issue. He did not respond. I wish that he had responded earlier because it would have given us the opportunity to debate this thing early on in the process. But now that he has, I welcome the good news.

I also submitted, Mr. President, Senate Resolution 126 in May 1991, and that resolution urged the President to exercise a line-item veto. In other words, just call for the line-item veto, rescind the projects and let us see what happens. It is currently cosponsored by 17 Senators. I have supported the efforts of Senators COATS and MCCAIN in their strong leadership on a line-item veto for the President.

I have taken this floor on a number of occasions in the past several months to highlight some of these outrageous pork barrel projects that are used like glue to hold together these spending bills. The bill comes up, and it is very tempting to stick these projects in because it is a major budget bill and a major spending bill. Senators know that by including these projects, they are going to slip through because nobody wants to stop the whole train. So, therefore, a little extra baggage does not matter. That is the theory behind it.

Let me just highlight four of the types of things we are talking about, and I do not know that the President has specifically mentioned these four, but these are the types of projects that the President is talking about: \$94,000 for apple quality research; \$120,000 for animal waste disposal; \$150,000 grant to a university to study the Hatfield-McCoy feud; and even more outrageous, almost a million dollars to purchase and refurbish in Ohio the house of the mother of former President William McKinley's wife.

I say to you, if you are a family out there and your major breadwinner is out of a job or you are a senior citizen who is trying to survive on the COLA that might be provided to you or a veteran who served his country looking for help that he is not receiving, how

would you feel about the Congress of the United States spending that kind of money on those kinds of projects? It is outrageous, and the issue is one of fairness.

It is not fair, and many people come to the floor of this body and they say that they want to help the jobless and the poor and the homeless and the veterans and the seniors and then vote for that kind of stuff. It is outrageous. The American people are fed up with it. They are not going to tolerate it anymore, and I think that it is time that the Members of this body look to the next generation and the generation after that and the generation after that instead of the next election.

These projects, Mr. President, are looking at the next election because these projects in your State or in your district, if you are a Congressman, are going to help you get reelected, and that seems to be the name of the game around here: Get reelected and put that ahead of what is good for the country. It is wrong and outrageous.

When I wrote my notes for my remarks today, I put down that President Bush is not asking for a miracle when he asks for this rescission power. But I am going to retract that and say I think that he is. I believe it will be a miracle if, in fact, this Senate has the courage to pass that legislation, or to approve of those items that he rescinds. So I think he is asking for a miracle.

I hope that maybe a miracle will happen, that these projects will be eliminated and that the reelection insurance policies of so many in this body will be canceled because that is the issue, Mr. President.

So I am glad the President has taken the offensive. He has drawn the battle plans, and I am proud to be one soldier to help him carry out that plan.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

IN HONOR OF NATIONAL AGRICULTURE DAY

Mr. DURENBERGER. Mr. President, I rise today to pay tribute to the men and women who work every single day of the year to produce the food that this Nation and so many others consume. I want to pay special tribute to the 88,000 farmers of our State of Minnesota, most of them running family operations, on this National Agriculture Day.

Minnesota is a literal tapestry of rolling hill country, great stretches of prairie land, and rich valleys that provide a marvelous mix of soils for a variety of agricultural products—wheat, corn, soybeans, barley, sugarbeets, dairy, beef cattle, hogs, sheep, chickens, turkeys, sunflowers, hay, potatoes, flax, rye, red clover seed, timothy seed, mink, wild rice, dry beans, lamb, eggs, sweet corn, green peas, and honey.

I have stated on this floor before that if producing agricultural products were an Olympic sport and those who are first, second, and third in the country in a production group received medals, Minnesota farmers would be tied for first with the State of California. Although Minnesota is first in the production of sugarbeets, it is second in seven products—spring wheat, turkeys, sweet corn, green peas, total cheese, American cheese, and nonfat dry milk. And it is third in 10 products—soybeans, oats, flaxseed, rye, hogs produced and marketed, pigs, butter, mink, and honey. So in this Olympic contest, Minnesota would receive 18 medals. That compares with 11 for Iowa, 9 for Texas and Wisconsin, and 6 for North Dakota.

Mr. President, the hard work and effort of each Minnesota farmer provides enough food to feed 101 people—74 Americans and 27 people overseas. Every Minnesota farmer generates four off-farm private enterprise jobs in the State of Minnesota. Over \$70,000 per year in cash receipts are generated from one Minnesota farm. And most of that is spent right in town to cover expenses.

The average Minnesota farmer is 48 years of age. His or her farm covers over 340 acres and is worth about \$255,000. Equipment runs just over \$55,000 in value. After paying production expenses, the average Minnesota farmer nets \$28,000.

Minnesota farmers are leaders in their communities, their schools and churches as well as their industry. The heritage they continue of giving of themselves is the outstanding reason why Minnesotans are known for their commitment to public service.

On this special day for American agriculture, I would like to draw the attention of this body to the importance of farmers to our country. It has been in political vogue recently to bash farm programs and leave farmers at the mercy of Mother Nature and heavily subsidized foreign imports. I am opposed to such proposals and reject them as self-serving manipulations of facts.

I am a strong supporter of free and fair trade because under such a system American farmers will grow and prosper as they expand into consumer markets around the globe. However, until a fair free trade agreement is reached, it is irresponsible to unilaterally cut farm programs and force economic hardship in rural America.

American agriculture provides 21 million jobs, or one out of every six jobs in the country. Agriculture is the Nation's single largest industry. Farming alone employs 2.1 million people—as many as the combined work forces of the transportation, steel, and automobile industries.

Furthermore, agriculture accounts for 17 percent of America's gross na-

tional product. And, for every \$1 billion in agriculture exports, 25,000 American jobs are created. I suggest that paints a very clear picture of the importance of agriculture to our Nation.

Since 1979, farm taxes have increased by 36 percent, tractor prices have increased by 70 percent, machinery costs have increased by 88 percent, and fuel and energy costs have increased by 39 percent. Farm commodity prices have not increased with these other expenses. In fact, dairy prices, for example, have recently been at the same level that they were in 1978.

Every Minnesota farmer and farm family, like all American farmers, are the backbone of this Nation. It is my hope that we will all continue to recognize the source of our cheap and plentiful food supply—and pay tribute to our farmers not just today but throughout the year, beginning with this, our National Agriculture Day.

TRIBUTE TO JUDGE EDWARD DEVITT

Mr. DURENBERGER. Mr. President, as far as I am concerned, when you look up the term judge in a legal dictionary, it should say: See the life of Edward J. Devitt of St. Paul. The person who epitomized for many what a judge can and should be, Judge Ed Devitt died on March 2 in St. Paul. I rise to mark his passing by lifting him up as a model not only for those who serve on the bench, but for all public people.

Edward Devitt was born in 1911 in the Dayton's Bluff neighborhood of St. Paul. He graduated from St. John's University in Collegeville, which is also where I received my undergraduate education. He studied law at the University of North Dakota law school and was elected a municipal judge before he had passed the bar exam. He served in the Navy during World War II.

My mother and father knew him well, but my mother recalls the time that his PT boat was blown away from underneath him just like President Kennedy's had been, and a visual defect which he had been suffering from was cured just like that, enabling him in 1946 to run for Congress and become St. Paul's Congressman. I think the only Republican Congressman they ever had in St. Paul, but he lasted only one term, having then been defeated for reelection by another St. John's graduate, Eugene McCarthy. After several years of practicing law in St. Paul, he was appointed a district judge in 1954, served on full time and senior status in that position on the Federal bench until just before his death.

His was as complete a career as a jurist could aspire to. He handled his cases over the decades of his service, some of which were very celebrated cases, with both skill and efficiency.

He also published numerous articles and a standard text book, "Federal Jury Practice," which is used today throughout the Federal court system.

Mr. President, someone has said that great scholars are seldom great people and great people are seldom great scholars. I apply that truth to Edward Devitt because it was his humanity, his decency which were the foundation of his career. He was a great judge because of the goodness of the person under the robe.

He was a person of many admirable traits.

He was fun to be around. He loved ceremony and St. Patrick's Day in St. Paul was always his favorite day of the year. He loved health competition, especially on the golf course and especially when he won. He had such a wide circle of friends that he formed separate breakfast clubs, lunch clubs, and dinner clubs to maintain all those relationships. In his day he was a fine dancer, and according to his daughter his best step was the St. John's hop which he learned as an undergraduate. Ed Devitt smiled a lot.

He was devoted to his family. When he traveled the country, he often would bring one of his small grandchildren with him. At the memorial services, his daughter, Terri Hoffman-Devitt said when they were young he was stern, but very fair, and when they were adults, he treated them like cherished friends.

Ed Devitt was a humble, caring, and amusing man. His goodness and wisdom have nourished countless other judges and practitioners of the law, and many regular people, too.

America is held together by people of vision and character who somehow get us to put our private interests aside and serve the public good. Edward Devitt was such a person, and the people of St. Paul, MN and all Americans owe him a debt of gratitude.

I suggest that a good way to repay that debt is for us to try to live by the principles he did. His whole life is a lesson that if we do, we will produce an abundance, not of fame or wealth, but of common good for those we serve.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARTISAN POLITICAL DISCUSSIONS

Mr. EXON. Mr. President, this is March 20, and I am very fearful that we are about to see an outburst of partisan political discussions on the floor of the

Senate as is going on right now on the House side. There is nothing wrong with strongly held feelings expressed in a firm but gentlemanly fashion with regard to the many issues that divide us and face us in the Congress of the United States. But I hope and suspect, because I have great respect for the common sense of the American people, that they will adequately prepare themselves without prescription medicine for the dose of political rhetoric that is about to hit us within and without this Chamber.

I suggest that the Congress itself, as clearly shown by the polls, is already in enough difficulty with the people of the United States of America that all the rhetoric in the world, unless it is on point and represents to some extent the opposing point of view, will do nothing but drive down the lack of respect and understanding that the people of the United States have in toto for the Congress of the United States, which is made up of not only Democrats but Republicans and a few independents.

I wanted to make reference to a statement I heard very recently on the floor by my distinguished friend and colleague, the senior Senator from North Carolina, wherein he attempted to blame the problem of the horrible annual budget and skyrocketing national debt on the Congress of the United States, with such statements as: Everyone knows that not a single penny can be spent until it is appropriated by the Congress.

I suggest that there should be an additional footnote to that; that is, that not a penny of any funds appropriated by the Congress of the United States can be expended unless the bill authorizing them is signed by the President of the United States.

To put it another way, Mr. President, all of us share in the disastrous situation that faces the United States of America with regard to fiscal responsibility. I take my share of the responsibility while pointing out that myself and others time and time again over the last 10 years have come to the floor and offered freeze amendments to stop the ever spiraling increase from going on. Although there have been many attempts that I have been a part of, that has been rejected by a substantial vote by the Congress of the United States.

So while we may feel, and we are, legitimately at a crossroads, when we start affixing blame, let us have everyone share this equal part of the blame for the situation that is facing us today fiscal-wise so that the people of the United States of America fully understand and appreciate it.

I would simply like to point out as an aside, but I think a very important aside, that for the last 10 years, 8 of those 10 years, the Congress of the United States as some people are trying to blame for this terrible deficit, as

opposed to the Presidency or anyone else or combination of other sources—they are trying to say that it is the fault of the Congress of the United States.

Take a look at the last 10 years and see that in 8 of those 10 years the Congress of the United States, which is now trying to be labeled as the sole and only cause of this proposition, appropriated less money than the President of the United States sent over to this body in his budget proposal for all of those 10 years.

I remember very well, Mr. President, my 8 years having that pleasure to serve the people of my State as their Governor. Fundamentally, the proposition there is not significantly different than the proposition at the Federal level because we all know and recognize that, by and large, the constitutions—and the responsibility while there are some differences—of the States are based upon the federal system as laid down by the Founding Fathers.

When I was Governor of Nebraska, the chief executive officer, it was my responsibility to submit to the legislature of Nebraska each and every year a budget. By our constitution, it has to be in balance. After that, the legislature, separate and distinct legislative branch of government, would take whatever action they thought was appropriate to either increase or decrease the recommendations of the Governor. I vetoed more spending measures while I was Governor of Nebraska than any other Governor in the State's history. So I know something about that.

In the end, though, the balanced budget amendment that we have in our constitution prevailed. And I, as Governor, either had to sign or veto the spending bills that were sent back to me from the legislative branch. It is that way here at the Federal level. The President, the Chief Executive Officer, sends over a budget—and he has for the last 10 years.

Again, I emphasize that in 8 of those 10 years this legislative branch—that a lot of people including many of the people in this body are trying to blame on the legislative branch—spent less money than that recommended by the Chief Executive Officer, the President of the United States.

I simply make this point, Mr. President, to emphasize once again that there is plenty of blame to go around. I hope that as we approach those stormy debates that I suggest for a large part will be based upon looking to the immediate future, the upcoming primaries, and that all-important general election in November—to a large extent, it will be a measure of posturing. Sometimes posturing can be accepted but most of the time posturing can be dismissed as political propaganda that does little to enhance the overall well-being and state of the United States of America.

So I hope, Mr. President, when this barrage hits us, as it is about to as we stand here on March 20, that historical date that was set by the President of the United States in his State of the Union Address last January, that we do what we think is proper and best to answer the request of the President, that we act by the 20th of March on a tax and at least some degree of economic recovery program.

We obviously are not going to go along with, nor do I think we should, the recommendations made in this regard by the President of the United States. The people of America should understand that if the Congress had accepted the recommendations of the President of the United States that have been sent over to us formally and otherwise from the White House they would wake up to discover that the proposals offered by the President of the United States would increase—would increase, Mr. President—the budget deficit over and above the estimated \$400 trillion that it will be by the end of this year and further extend and increase that for the next 5 years.

I made a firm commitment very early. I did not say "read my lips." I just say, as a former experienced Governor and as someone who has been here now for the 13th year serving on the Budget Committee, hear what I say—that I will not be supporting legislation that would further increase the annual budget deficit and, therefore, continue to swell the national debt; that I would simply point out in the last 10 or 11 years it has gone from just under \$1 trillion to now \$4 trillion in 10 years.

We have to bear some of that responsibility—all of us here, the 100 Members in the Senate, and the 435 Members of the House. But the leader in that instance, the President of the United States for the last 10 years, might have just a little bit of responsibility for that, if the people of the United States understand as understand I think they do; that no one can escape being declared innocent and should not have been charged.

Therefore, I conclude by saying, Mr. President, I hope that we can have some honest debate on the matters that divide us but being kept as far away as possible from strictly partisan political bantering that serves no useful good in these trying times when we are wrestling with lots of problems, including the fiscal mess that we in the Federal Government find ourselves in today.

I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate considers the conference report on H.R. 4210, the tax bill, it be considered under a time limitation of 40 minutes equally divided in the usual form and that, when all the time is used or yielded back, the Senate vote, without any intervening action or debate, on the conference report, provided that—of the time allotted to the Republican manager—5 minutes be under the control of Senator GRAMM, of Texas, and further provided that the time between now and the time when the Senate begins consideration of the conference report be equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. MITCHELL. I yield.

Mr. DOLE. I understand the conference report may be before the Senate about 3 p.m.; is that correct?

Mr. MITCHELL. Mr. President, it is my hope we will be able to get it before the Senate prior to then. That depends upon when House action occurs. It had been our hope that the House would be voting at a time early enough to permit us to begin consideration prior to 3 p.m.

Mr. DOLE. In any event, say it came before 2:45 p.m.; between now and 2:45 p.m., for anyone who wishes to speak, it would be a good opportunity for them, because a number of our colleagues on each side have pressing commitments later in the day, and that would permit some of them to make whatever arrangements they need to make.

So I urge my colleagues on this side—we would have at least 25 minutes, maybe, on this side between now and the time the conference report arrives for debate. So if anyone would like to discuss the conference report, this would be an excellent time to do that.

Mr. MITCHELL. And, Mr. President, I confirm and agree with what the distinguished Republican leader has just said. Let me just say that I am certain that we would be prepared, if necessary, to accommodate our Republican colleagues to provide even more time during this period if they had more speakers than they had time.

Mr. DOLE. I thank the majority leader.

Mr. MITCHELL. I thank my colleague.

Mr. President, accordingly, we will take up the matter as soon as it is received from the House. The time for that is as of yet not certain, and once we do take it up, it will be under a 40-

minute time limitation. And Senators who wish to address the subject are free to do so at this time and, indeed, are invited to do so. And I encourage all Senators who wish to address the subject to do so now.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

THE TAX BILL

Mr. GRAMM. Mr. President, the House is now in the final moments of deliberation on a bill to raise taxes on the working men and women of America. I rise, knowing that our debate will begin here as soon as that bill comes over, to discuss the issue that will be before us at that time and to talk about basically what we are deciding here.

Mr. President, I would like to first make the point that the bill that has come out of conference is living proof that in America trying to buy votes by redistributing wealth will not work. We heard for 4 months our Democratic colleagues on the House side of this building say that they were going to raise taxes on rich people, give the money to the middle class, and in the process, buy enough votes to become the majority party and elect a Democrat President.

When they wrote their bill, they did deliver on part of the promise—they raised taxes on all millionaires that made \$85,000 or more, hardly what my definition of a millionaire is, hardly the definition that most Americans have. But what they proposed in their original bill was to raise taxes on all Americans making \$85,000 or more and then to use that money to give 83 cents a day to people who made less than \$50,000 a year; but to give them that money only through the election, and once the election was over they would then take the money back.

The net result would be that taxes would be up by \$94 billion, and that money would be available to spend on Government. The \$50 billion the President proposed saving in defense would not be given back to middle-income taxpayers. The net result of the original House bill passed was that it would in essence fund \$143 billion worth of new Government spending.

The point I would like to make about the original House proposal is that it was basically a phony conclusion to a debate centered on redistributing wealth. The basic argument in the House was that they were going to

raise taxes and they were going to give the money to the middle class. But when they had to choose between the middle class and Government, they decided that rather than buying votes, they would just rent votes through the election and then take the tax cut back. The taxes, however, would be permanently raised to fund more Government spending.

Within the next hour, we will vote on a conference report that proposes to raise marginal tax rates by 16 percent.

If you listen to the rhetoric of our Democratic colleagues, they say that the 16-percent increase in tax rates will be imposed on rich people. It will be imposed, they say, on the upper 1 percent of all income earners.

Well, we have discovered exactly who the upper 1 percent of all income earners are: small businesses and family farmers. Under the 1982 law that allows small business to be taxed as an individual under an S corporation, we now find that two-thirds of the people that are being taxed with this 16 percent increase in marginal rates are small businesses and family farms; that two-thirds of this tax increase will fall on small businesses and family farms, many of them that have chosen to be taxed as individuals as a result of the 1982 tax provision that allows small business to opt to be taxed as individuals. Because of the reduction in rates in 1986, literally hundreds of thousands of small businesses elected to file as individuals in order to minimize their tax burden, build up retained earnings, and expand their businesses and create jobs.

So the first point I would like to make is that two-thirds of all the tax burden that would be imposed by the bill will fall not on this proverbial rich person, but instead on small business and on family farms, many of which opt to be taxed as individuals.

Mr. President, raising the marginal tax rate for small businesses by 16 percent will destroy jobs in America. If this bill is adopted into law, we will see another 500,000 Americans lose their jobs over the next 5 years.

I do not believe that many of our colleagues who voted for this bill the first time around understood that two-thirds of the people who were being taxed were small businesses and family farms. I think they thought, in this proverbial language that has been rejected in Eastern Europe and the Soviet Union but has great currency here, that they were taxing the rich.

Mr. President, I believe that in this tax debate we have proven once and for all that redistributing wealth does not work in America.

Let me just give you the example. Under the bill that is before us, raising tax rates by 16 percent, putting a 10-percent surcharge on high income Americans, eliminating the ability to use itemized deductions, and phasing

out personal exemptions—all those actions together that will raise the effective marginal tax rate on many small businesses and family farms by over 40 percent. This raises enough money to give every individual in a family of four 21 cents a day.

Now let me repeat that because I think it is very startling, and I hope it is a lesson that will be learned during this debate.

Raising marginal tax rates by 16 percent, putting a 10-percent surcharge on very high income individuals, eliminating the ability of high-income individuals to use itemized deductions, and eliminating their personal exemptions—actions that will send marginal tax rates above 40 percent for many Americans—will raise only enough money to give 21 cents a day to families of four.

Mr. President, one of the reasons this proposal has been laughed at all over the country is that it imposes a very heavy cost on small business, destroys hundreds of thousands of jobs, all in the name of redistributing wealth. And when all the wealth is redistributed, it ends up being 21 cents a day for every member of a family of four in America.

Mr. President, why is that so? Because this tax debate has proven once again that there are not enough rich people in America to make any difference in terms of tax policy.

With these massive increases in taxes on high-income Americans, all we have done is raise enough revenue to give to each person in a family of four, 21 cents a day. The truth is, if you are going to raise revenues in America you have to tax incomes where they exist and those incomes are primarily Americans making \$60,000 to \$115,000 a year.

So one reason why the politics of the class struggle and the pitting of the poor against the rich has never worked in America is that there are not enough rich people to make any difference. The real income and the real wealth in America is and has always been in the middle class.

Our colleagues have tried to take the President's economic growth proposal and to convert it into a political scheme to buy votes, and found that it basically does not work. Either you do not get enough money to buy anybody's vote, and 21 cents a day will not do the job, or you end up having to tax people making \$50,000 to \$60,000 a year. So you are taxing the very people that you are trying to buy votes from.

So when this debate is over, I hope my colleagues will conclude that the economics of the class struggle, the politics of class hatred, which died in Eastern Europe, in the Soviet Union, and is dying in Havana, Cuba, deserves to die once and for all, in this great deliberative body in the U.S. Congress and in the United States of America.

I believe the issue before us is basically an issue of jobs. By raising mar-

ginal tax rates and by imposing an increase in taxes that will fall two-thirds on small business and family farmers, this bill is fundamentally a job-destroying bill. It will put hundreds of thousands of Americans out of work. It richly deserves to be rejected, and I hope will be defeated in the U.S. Senate.

If we do not defeat it in the U.S. Senate I take great heart in the fact that the President will veto this bill and it will never become the law of the land.

President Bush sent us a simple proposal. It was a proposal that asked us to do seven simple things to promote economic growth and jump-start the economy.

Give first-time home buyers a \$5,000 tax credit but this bill provides none.

Permit penalty-free IRA withdrawals for people who want to go out and buy or build a new home now.

Cut the capital gains tax rate in order to provide incentives for people to invest. I know some of our colleagues have jumped up and down and said cutting capital gains tax rates help rich people. Mr. President, all the rich people I know either have a good job or they do not want to work. Cutting the capital gains tax rate was aimed at trying to get people to put their money to work in America to create new jobs, new growth, new opportunity here for people who do want to work.

I think it is very revealing that when you look at the bill before us with its 10-percent surcharge, it raises the capital gains tax rate on perhaps 50 percent of all the capital gains earned in America. So, at a time when we should be cutting the capital gains tax rate to provide incentives for people to go to work, we have before us a scheme that raises marginal rates from 31 to 36 percent, and keeps the capital gains tax rate at 28 percent. But with a 10-percent surcharge add on, we in fact raise the effective capital gains tax rate on our highest-income citizens to 30.8 percent.

Mr. President, raising marginal tax rates by 16 percent and raising the tax on capital gains will do one thing. It will induce people to stop investing. It will put more people out of work. It will not create more jobs.

The President asked for an investment tax allowance to encourage people to invest now. The President asked us to allow pension funds to be used for real estate investments. The President asked for passive loss relief to allow people in the real estate industry that earn most of their income from real estate to offset losses against gains. Finally, the President asked for a simplification in the alternate minimum tax.

We have a clear choice here today. We are offered a bill today which will raise taxes on ordinary income and on capital gains; a bill that will raise the

marginal tax rate from 31 percent to over 40 percent on many Americans; a bill that will put Americans out of work by the hundreds of thousands; and a bill that richly deserves to be defeated.

We have before us a political document that is based on class struggle and which tries to recreate here in America something that has been rejected in Eastern Europe, been rejected in the Soviet Union, is dying in Havana, Cuba, and which richly deserves to die in the United States of America. I hope we will deal it the death blow that it deserves in the Senate. If we do not, I rejoice in the fact that the President will kill it with a veto and we will sustain that veto.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. Mr. President, how much time is charged?

The PRESIDING OFFICER. Under the assumption that the communication from the House will take place at 3:15, the Senator would control 36 minutes and 53 seconds.

Mr. BENTSEN. Mr. President, it is interesting to hear this called a tax increase. What a gross misrepresentation that is. This is a balanced package. In our package, for every tax increase there is a tax cut. That is quite apart from the President's proposal that gives you at least a \$24 billion increase in the deficit—an increase that busts the budget. I understand now what the President says when he says he made a mistake in the budget agreement of 1990. This proves he does not want to observe that budget limitation, to try to cut these deficits down.

Our bill, in comparison, over the 6-year span, reduces the deficit by \$13.1 billion. Yes, there is a tax increase for some. There is a tax increase for less than 1 percent of the people. There is a tax cut for almost 90 million people: middle-income people; for people making \$35,000 a year. And that is the median income in this country for families that have two children, an average family of four. There is a 25-percent cut in their income tax.

I have heard some trying to denigrate that cut. But it is meaningful for families that look at the supermarket ads, look for the coupons, trying to decide what day to go to buy and what store in which to buy their food. For them, that is a meaningful cut.

Consider families that have a sick child running a fever and are making the decision to go to a doctor or to a hospital, and finding that is not just a medical decision but that is a financial decision. For them, that is a meaningful cut.

Then there are the families that want to send their children to college, looking at the escalating costs, looking at the student aid programs before they look at the curriculum. For them, that is a meaningful cut.

The aim is to help median-income folks, middle-income folks that are having a tough time keeping things together. They are the ones that, in the last decade, have seen their taxes go up and their incomes go down.

That is particularly true of those with children. They are finding it more and more difficult. It costs more and more to rear those children. Often both parents have gone into the labor force to try to hold things together. They are the ones who have lost 40 percent in discretionary time over the last 15 years, and are having all the problems caused by that loss of time for parenting. That is who we intended to help with a tax cut.

We tried to make it a bipartisan package. We worked at it very hard. The President talked about seven initiatives he wanted for economic growth, to try to help move this country in the right direction. We put six of those incentives in this piece of legislation.

When you talk about accelerated depreciation, we included it. When you talk about IRA's, we put that in our package. In fact, we put in a more expansive IRA than the President is talking about. We provide a deduction up front, a \$2,000 deduction. Those savings could eventually be utilized to buy a first home.

More and more young couples are having a tough time buying that first home. Here is a chance for that young couple, and their parents, to save for that home by saving through an IRA. When they sit down on April 15 and the question is whether they write a check to the IRS or to their IRA, there is going to be that incentive, that carrot there to encourage them to put their money into the IRA.

When we cut back on the IRA in 1986, we saw a 30-percent reduction in the savings rate when we saw the Canadians increase their allowance for IRA's, their savings rate doubled. Where their savings rate had been comparable to ours, theirs is now twice as much as ours and is staying at that level.

There are many beneficial things in this legislation to try to help turn this economy around, to create the capital that we need, to build more productive plants, to be more internationally competitive. At the same time the goal is to reduce our enormous deficit, to try to bring interest rates down so that the cost of servicing our debt will be lowered and the cost of housing will be reduced.

Those are the major pluses of our package. Parents looking at the cost of sending their kids to college could save in an IRA and withdraw the funds penalty-free in order to help send their children to college. The IRA we proposed also would allow people to cope with the problem of unexpected major medical illness by taking savings without a penalty to meet their emergency.

And then, of course, an IRA would allow working Americans to plan for retirement.

I listen to an amazing claim about our legislation. I have heard that it would raise taxes on about 80 percent of small businesses. Now, we are talking about a tax increase for families making \$140,000, and that is after all tax deductions. The income of these families must be significantly above this, at least \$150,000. Eighty percent of small businesses, those with a handful of employees, are sure not making anything like that in the way of a net income.

I wondered how they came up with this claim that tax increases would hit 80 percent of small business people. After a little checking around, I found out how they arrived at their numbers. I am told that what Treasury did in this regard was take 1985 figures showing the number of investors in a partnership, a limited partnership, or a subchapter S corporation. Recall, in 1985 we were at the peak of investments in tax shelters. Many of those investors in partnerships or subchapter S corporations were bankers, lawyers, doctors, dentists, and others, making a good income and looking for a tax shelter. Well, all of a sudden these became small business people. That is how they arrived at such an incredible number and the claim from left field that our legislation would affect 80 percent of the people.

That kind of math resembles what the Treasury did in proposing to count future anticipated pension savings way out to the year 2000 as \$19 billion in savings to be used to spend today. It was the same kind of creative accounting that has come up with the baseless small business numbers.

I cannot help but think of how President Reagan raised the tax on capital gains from 20 to 28 percent, at the same time that he was proposing a tax of 35 percent on people earning more than \$70,000. No one talked about class warfare as he did that. It was something he thought would balance out other necessary tax changes.

In this bill, we are not talking about 35 percent making over \$70,000. We are talking about 36 percent, 1 percentage point more, but only on single individuals earning more than \$115,000, and on couples earning more than \$140,000. Yet this is said to be class warfare.

No, it is not class warfare. We are talking about a sharing of responsibility. What we have seen happen in this country, insofar as our tax rates have simply gone too far. It is hard to talk about a progressive tax rate system when you have a situation where someone making \$1 million a year is taxed at a rate that is a mere 3 percentage points higher than that applied to someone making \$35,000 a year, or substantially less than one-twentieth the income.

When we are talking about someone in this country paying income taxes of 36 percent of net income over \$115,000 for a single individual or \$140,000 for a family, we are talking about a rate substantially below that charged by some of our principal economic competitors around the world. This is fine even when the 10-percent surtax on those making over \$1 million a year is taken into account. If you take a look at Japan, if you take a look at Germany, if you take a look at the United Kingdom, you are talking about a top tax rate far higher than what we are proposing today. We are talking about tax rates of 50 percent or more on income in those countries.

Now, Mr. President, I heard a comment about freeing up pension funds for investment in real estate. I first talked to the Secretary of the Treasury about this concept early last year. I am delighted that the President has put that provision in his proposals. We have it in our legislation to try to see that there is an additional market for real estate, to try to help the values of real estate in this country today that are in serious trouble.

Mr. President, this is a piece of legislation that will help restore fairness to the tax system. I look at the difference between the capital gains provisions proposed by the President and those proposed in this piece of legislation. The capital gains proposal of the President would give two-thirds of tax savings to people making over \$200,000 a year. The capital gains provisions in this piece of legislation would give two-thirds of the savings to people making under \$100,000 a year.

No, Mr. President, we are talking about sharing the responsibilities and the cost of Government. At the same time there is an attempt to recognize that group of people who have taken the biggest hit over the last decade and to try to assist them in making ends meet during this very tough period of time.

Mr. President, I reserve the remainder of my time. How much time do I have left, Mr. President?

The PRESIDING OFFICER. The Senator retains 25 minutes, 25 seconds. Who yields time?

Mr. PACKWOOD. Mr. President, as I understand it, we are working backward on time on the assumption the bill arrives here at 3:15.

The PRESIDING OFFICER. The Senator is correct.

Mr. PACKWOOD. I yield myself 7 minutes.

Mr. President, we have been up and down this hill several times now as to the merits and demerits of this bill, and when I say this bill, I mean the bill as it passed the Senate, as it passed the House or now the conference report before us because they are basically a Tweedledum-Tweedledee bill no matter which one it is we look at.

When we started down this road 2 months ago, when the President gave his State of the Union Message, the President proposed a modest push to the economy in seven relatively modest points that he suggested. Frankly, it was a very modest push at best. It was not the start that I hoped we would make toward turning this ship around away from consumption and toward savings. That will take tax changes infinitely greater than the President recommended and certainly greater than the House passed or the Senate passed or this bill before us.

Let us be very serious. We have a \$6-trillion economy, or approaching it. This bill is not going to jump-start this economy between now and November. The economy seems at last to have turned around and if the last 2 months indicators are any good, it is rebounding of its own accord. The last thing we need to do is to give it more stimulus now. We should be shifting toward savings, and against the current trend toward consumption.

For the last 25 years, we have favored consumption and not savings, and now we are reaping the whirlwind that we caused with those tax laws. I am not here to criticize who was responsible for those tax laws. In some cases we had Republican Presidents; in some cases President Carter; in some cases the Democrats controlled both Houses of Congress; and in some cases Republicans controlled the Senate.

But during these 25 years, I think it would be fair to say that both parties have been guilty of easy living; both parties have been guilty of easy debt; both parties have been guilty of not encouraging sufficient savings and instead pushing toward spending, spending, spending.

I had hoped we could have a bipartisan turnaround in that direction now. It is clear that we cannot. This bill is a partisan bill. It is of the Democrats, by the Democrats, for the Democrats. Everyone knows the President will veto it, and that will be the end of this bill.

I would hope, Mr. President, that if we cannot get a better bill than this, we pass no tax bill this Congress and we wait until the Presidential elections and the congressional elections are over in November, and we start next year on changing the tax laws in such a way that we encourage savings and investment that produces good family wage jobs.

When we do that, I hope we do not promise the people we are going to turn the country around in that direction in 6 months, 1 year, or 2 years. If it took us a quarter of a century—a quarter of a century—to get into the jam we are in, we are not going to get out of it in 6 months or 1 year.

But I am willing to bet that the country would rally to the President or to the congressional leader who says it

may take us 2, 4, 6 years to even start to turn this ship around. If we act soon, by the turn of the century we would have a country with a savings rate that has enough money inside its own borders to invest in the machines that produce family wage jobs and keep us competitive with the world.

One small thing that was in the Senate bill that would have encouraged a little bit of savings—because homes are the biggest single saving most Americans have—was a tax credit for newly built homes purchased by first-time home buyers. The House bill had nothing on this. The President, of course, had asked for a \$5,000 credit for first-time home buyers who bought a new or existing home. About 80 percent of the people who buy homes for the first time do not buy a new home; they buy a used home. The Senate bill eliminated 80 percent of the benefit that would come from that savings by saying that the credit applied only to new homes purchased by first-time home buyers.

Now, I see the conference report has nothing, just like the House bill. But at least the Senate bill had something. The one little thing that would have indeed encouraged savings is gone.

As for the rest of the bill, the conference adopted the worst of both bills. The House bill middle-income credit was taken for the first 2 years and the Senate child credit was adopted for later years. The worst of both bills was adopted.

So, if this bill were to become law—fortunately it will not, because it will be vetoed—it would not stimulate the economy or increase savings. What we would get is a further incentive for spending, which is the last thing we need. It is the last thing we need when we are running \$400 billion deficits now. And you hate to say \$400 billion plus or minus \$50 billion. But that is as close as we can come to our guess.

So, I am delighted to speak against this bill, vote against this bill, and support the President's veto when the time comes.

Mr. CHAFEE addressed the Chair.

Mr. GORTON addressed the Chair.

Mr. CHAFEE. Mr. President, I wonder if the—

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Is the Senator asking me a question?

Mr. CHAFEE. Yes.

Mr. PACKWOOD. Yes; I will yield for a question.

Mr. CHAFEE. Mr. President, I would like to ask the distinguished ranking member of the Finance Committee a question. Do I understand this measure that has been brought back to us has greater taxes than either of the measures that were passed in the House or the Senate?

In other words, as I understand it, in the Senate bill, it provided for \$51 bil-

lion of tax rate increases. I think all have said beware, beware when they start down that slippery slope of raising taxes. And the Senate bill was only going to touch those—the Senator can correct me, but I believe it was at \$150,000 of income for singles and \$175,000 of income for families, and the total taxes raised was \$51 billion.

Now, lo and behold, out of the conference, where both the House bill and the Senate bill started with \$51 billion of tax rate increases, what do we have now? Surprise, surprise. It is not \$51 billion. If I am correct, it is \$60 billion. So just overnight, it goes up \$9 billion in new taxes.

My question to my distinguished leader on the Finance Committee is: Does the conference report still start the tax at \$175,000 per family, or per chance has it come down the way we all said it would?

Mr. PACKWOOD. Mr. President, my good friend from Rhode Island is correct in both respects. The new tax rate has come down to \$140,000 for families and it raises a total of \$60 billion instead of \$51 billion.

I am reminiscent of President Reagan's statement about "there they go again." We are starting down this road. It is exactly what President Bush said President Reagan said. There are two ways to look, I guess, at the economy. One is to tax and spend, tax and spend, tax and spend. That is what this bill does. I hope the President is absolutely firm in his statement that we are not going to have any new taxes and this bill is going to be vetoed. My good friend from Rhode Island has it exactly right.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PACKWOOD. I yield myself 1 additional minute.

Mr. President, in conclusion, let me say this. We could not have come up with a worse bill if this had been designed by a committee of camels, because we are all familiar with the old joke about a camel is a horse created by a committee.

We need to put this bill aside and do one of two things. Either have no major tax bill this year, if what we are going to get is another bill like this. Or sit down, and negotiate a bipartisan bill that the President can sign. I have not talked to the President about it, but I will wager the President will say: If you are serious about a real bill that will encourage savings, investment capital formation, and job creation, count me in. We can negotiate with the White House. We can negotiate in quiet, and we will reach a bipartisan agreement.

I hope that will be our attitude when this bill is vetoed and the veto is sustained.

Mr. BUMPERS addressed the Chair.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. I yield 5 minutes to the distinguished Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for up to 5 minutes.

Mr. BUMPERS. Mr. President, I must say, sometimes when I hear these debates I cannot believe what I am hearing: class warfare; redistribution of wealth. The biggest redistribution of wealth in the history of this country occurred in 1981, the first year Ronald Reagan was President. And since that time, Mr. President, the total personal income increase in this country has been \$870 billion, and 77 percent of that \$870 billion went to the wealthiest 1 percent of the people of this Nation. Virtually everybody below that has seen a decrease in personal income.

The Senator from Rhode Island asked the Senator from Oregon the question: Does not this bill have 9 or 10 billion dollars more in taxes than it did when it left the Senate? The answer is "Yes." When it left the Senate, the \$50-billion tax increase was all placed on the top three-fourths of 1 percent of the wealthiest people in America. And when it came back, it included the top 1 percent. That is where this tax comes from: The wealthiest 1 percent of the people in this Nation.

Look at the President's budget that he submitted and talked about during his State of the Union Address. There are taxes galore in it. My phone is ringing off the wall with the calls on the inside buildup of annuities tax. It just depends on who is getting taxed, I guess.

So here we have a bill that takes into consideration tax fairness. Mr. President, you believe in family values. Families in America are struggling to keep body and soul together. A couple hundred dollars may not be much to the President or even to me, but it may pay for one child's school lunch; it may pay tuition at a community college for a child. Family values. And we say let us have a little tax fairness and let us improve family values at the same time. We are giving the President six out of the seven things he has asked for to help the real estate people. I do not object to a single one of these things. I am for those proposals to help jumpstart this economy and put people back to work. He says he is concerned about the deficit, but his proposal carries a \$24-billion deficit increase. This bill carries less than \$1 billion increase over the 5-year period. Who is concerned about the deficit around here?

We have a bill that helps the economy, helps families, and reintroduces just a small element of tax fairness. We say, Mr. President, do you not believe in family values? He says, "I would like to sign the bill, but Pat Buchanan will not let me because it is a tax increase on the American people." He never says that it is a tax increase on

the wealthiest three-fourths of 1 percent of the American people. He just calls it a tax increase.

If I had my way, Mr. President, I would call on the leadership and the chairman and ranking member of the Finance Committee to come back next week with the very same bill and say, "OK, Mr. President, let's not do the middle-income tax cut."

I must confess I struggle with that idea because the deficit is the thing I am most obsessed with. If you do not want 90 million middle-income people to have a little tax cut, then let us pass the same bill and put it all toward the deficit. You know what he will say. "Pat Buchanan won't let me sign that one either."

So, Mr. President, I just call on the President. Politically, he is in big trouble. Politically, Congress is in big trouble. Nobody gains anything out of this. If the President would say to leaders of Congress, both Democrats and Republicans, "Come, let us reason together, we are in a heap of trouble," I promise you we could meet on some middle ground that would satisfy his concerns and our concerns and would, above all start getting the deficit down. He could do it. And the American people would applaud.

Mr. President, I do not know whether that is going to happen or not, but nobody has anything to lose by introducing a little sanity and a little reason to the problems of this country, which grow more acute by the day.

Mr. CHAFEE. Will the Senator yield for a question, Mr. President?

Mr. BUMPERS. I do not have any time.

Mr. CHAFEE. Mr. President, may I have 1 minute? I wonder if the Senator would—2 minutes.

The Senator asked for a little sanity in this measure. I would be curious whether he thinks this is sanity. He comes from a State where Wal-Mart, the great national chain, is based. The president of Wal-Mart has under him 380,000 employees. He is running an establishment that has 1,750 stores. He is running a business that last year had gross assets of \$50 billion on which they made \$1.5 billion. This measure says that 40 percent of the baseball players in the United States can be paid more than he can be paid, and have it deductible. Does that make any sense to the Senator?

Mr. BUMPERS. It does not. I do not like that provision in the bill, Mr. President.

Mr. CHAFEE. What are we doing around here?

Mr. BUMPERS. I am not going to vote against the bill on that provision.

Mr. CHAFEE. The Senator said "some sanity." That is a minor provision in the bill that is just so flawed. But I just wondered what could possess authors of a piece of legislation to come up with a feature that says 40

percent of the baseball players can be paid over \$1 million that is deductible, but you cannot pay \$1 million to the head of a tremendous establishment that is providing so much to the consumers of the United States.

Mr. BUMPERS. I agree. We ought not be tampering with that. The Senator and I both know that is a big problem. But, it is not going to become law in this bill or any other.

Mr. CHAFEE. I do not know. It is in the conference report before us.

Mr. BUMPERS. The conference report is about 1,500 pages long. That provision takes about two lines in it. If you want to pick out one thing you can object to, then there are plenty of things in it that I can object to. The capital gains provision in that bill is mine. They took out the best part of it.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington [Mr. GORTON].

Mr. GORTON. I yield myself 7 minutes from our time.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GORTON. Mr. President, my distinguished colleague from Oregon pointed out in his question to the Senator from Rhode Island a few moments ago that this bill increases taxes on those elements of our population who are subject to those increases by more than either the original House or Senate bill.

We have just had a debate on some of the ways in which those taxes are increased, and the distinguished Senator from Arkansas pointed out that this bill has now grown from some 1,400 pages in length, which it was when it was before us last week, to perhaps 1,500 pages in length. That simply illustrates the fact that this bill is a shift in taxation from one group to another, neither a reduction nor a great increase overall.

But, Mr. President, that 1,500 pages proves something else; that the penalties imposed on those on whom taxes are going to be increased are greater than the rewards for those on whom taxes will be decreased because so much of the difference will be spent on accountants and lawyers with that increasing complexity in the Tax Code.

When the President asked that we act by March 20, his goal was to create jobs, to provide incentives, to see to it that this Nation got out of its recession. That goal, except for lipservice, has now been abandoned. The goal here is class warfare and soaking the rich.

Nevertheless, as the junior Senator from Texas pointed out quite recently, 80 percent or more of these tax increases will come out of the pockets of the owners of small businesses, most of which are either individual proprietorships, partnerships, or S corporations.

I have taken the opportunity, Mr. President, in the course of the last 24

hours, to contact 8 such businesses in my own State employing a total of about 400 people to ask them, first, whether or not they consider themselves to be the idle rich who ought to be taxed more; and second, what impact this bill would actually have on them. I would like to give you a few examples.

One of them is a beverage distributing company employing 52 people. This bill has already cost that employer several thousands of dollars in lost work and added accounting and legal fees to figure out what is in it and what it will do to him. The bottom line of the advice from his accountants and lawyers is that he will need to ask his present 52 employees to pay more of their benefits packages or to have less in the way of employee benefits. He will not replace the next employees who leave his employ, and probably will not hire another person he would like to hire. He expresses frustration that businesses like his were being treated by the Congress as cash cows which could take an unlimited amount of new burdens for the political purposes of this bill.

A second is a manufacturer of folding cartons, an employer of 33. He says that this bill will forestall any expansion decisions which he has, and will impact not only his employment level but his purchases of equipment. There will be no employee benefits this year if this bill passes.

A third, a wholesaler of heating and air-conditioning products, who employs 20 to 25 people—negative impact on his employees and their competition.

A fourth, a producer of wood products: Great restrictions on capital investment, probably an absence of expansion.

A fifth, an unincorporated business involved in long-term custodial care services for the elderly, a business on the edge of whether or not it is more profitable simply to go out of business, to take the capital of that business and invest it in banks at interest, thus unemploying 60 people.

This is what this bill will do in the real world. This is not a talk about the rich and those who consider themselves to be rich.

This is a tax aimed at the very people, the very small businesses we need to bring this country out of a recession. It will restrict their purchases of capital equipment. It will restrict their hiring decisions. Some it may actually persuade, as the last load on the camel's back, to go out to business entirely.

This bill is not so much about taxes, as it is about employment. The proposal which the President made to add to employment opportunities now, as it comes before us, ought to be reentitled "The Unemployment Act of 1992."

Fortunately, it will not be the Unemployment Act of 1992, but only the unemployment bill of 1992, because it will

be successfully vetoed, as it ought to be.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. Mr. President, I yield 10 minutes to the Senator from Connecticut.

Mr. DODD. Mr. President, I rise today to voice my strong support for the proposals included in the conference report on the economic recovery package. Chairmen BENTSEN and ROSTENKOWSKI deserve much credit for the speed with which they have moved this initiative. They have worked so diligently and hard to meet the deadline set by the President in his State of the Union Address on January 28, when he called for action on a tax bill by March 20.

Today, we need to begin by lamenting the fact that despite all of the speeches that will be given, despite the photo opportunity that the President will have, which has already been scheduled when he will announce his veto of this measure, we will have little to show for our efforts.

Mr. President, at the beginning of this year, I was optimistic that we could work together—the Congress and the President, Democrats and Republicans—to enact a comprehensive economic recovery package. I regret that we have failed at this effort. The lines were drawn between the White House and the Congress, and what followed was division between Democrats and Republicans.

The American people deserve better than that.

I do not know about my colleagues, but when I go home to Connecticut, people do not care about who wins politically. They talk about who is hurt by the economy. They talk about jobs. They talk about the high cost of health care, education and housing. They most want to know if we understand their pain and suffering. And, they want to know whether we are doing our part to help the economy.

They are looking to Washington for leadership and answers, not politics. However, when we can't get a tax bill signed into law, we only have politics to offer.

Mr. President, when we fundamentally agree on most of the issues, as is the case, we should be able to work out our differences.

The measure before us satisfies two important objectives—objectives originally agreed on by the administration and the Congress—tax relief for middle-income families and tax incentives for economic growth, long-term investments and job creation. It also passes a critical test. It does not add to the deficit.

To stimulate economic growth, this measure includes initiatives that have long received strong bipartisan support. It includes the restoration of passive loss rules and full IRA deductibil-

ity; penalty-free withdrawals from IRA accounts for housing and education; a cut in the capital gains tax; a new investment tax credit; and an extension of the 12 tax provisions due to expire in June that include the R&D and the low-income housing tax credits.

Would I have written this bill differently? Of course. Would every single Member have done something different in this legislation? Absolutely. But on the fundamental principles of trying to increase job opportunities in this country and expand economic opportunity, this legislation responds at least to 90 percent of what the President has called for.

Mr. President, after months of work on this package, which reflects priorities of both the President and the Congress, the President has withdrawn his support. He withdrew his support before making any effort to join us at the table to work out a compromise. And, as you well know, only one obstacle stands in the way of this bill becoming law, the way we pay for it. We in Congress decided that this effort should not add to the deficit.

When the President realized he could not afford to give middle-income families a tax break without paying for it, he made a decision, to leave families behind.

After promising tax relief for families in his State of the Union Address, the President stripped the provision from the package he sent to the Congress. And he paid for the rest of his bill with budget gimmicks that would add over \$27 billion to our deficit.

Many of us not only feel strongly that middle-income families deserve a meaningful tax break, we are equally concerned about the growth in our deficit. So, as you well know, we made the decision to shift some of the tax burden away from the middle class onto the wealthy.

It has been said here on numerous occasions this afternoon that this debate is about class warfare. I do not believe that to be the case at all. What we are merely doing is what we have done historically for 200 years in this country. We have asked those who are the most affluent in our society to pay a bit more in taxes to afford the very things the President has called upon us to do.

Which is the better choice? Do we ask those in the top 1 or 1½ percent of income earners in America to help support these ideas, or do we just write it off and hope that the next generation at some point in the future will pick up the cost of the \$27 billion?

To avoid adding to the deficit, we pay for a tax break by adding a fourth tax bracket for the most affluent Americans, the group that has enjoyed the largest growth in income and the largest tax break over the last decade. The wealthiest 1 percent of Americans, with an average income of \$549,000, watched their after tax income in-

crease by 110 percent. Simultaneously, their total share in Federal taxes dropped by 15 percent over the same period.

Even with the small adjustment in the tax rate for these income earners, they still will enjoy after tax income growth well in excess of the average middle-income family.

It simply does not make sense that this provision will prevent this comprehensive economic recovery package from being signed into law.

Mr. President, I am not here today to add to the angry words being exchanged up and down Pennsylvania Avenue. It is obvious that has gotten us nowhere, but I must admit I am disappointed with this process.

The administration and Congress have not been able to rise above, they have not been able to put the concerns and needs of our country before election year politics.

And I believe Americans have every right to be angry. This process is not working. We are at a standoff, when our Nation most needs action.

Although I regret that the tax credit for first-time home buyers and the health provisions were eliminated, and I have some concerns about the executive compensation language, basically and fundamentally this legislation is a sound piece of work.

The photo opportunity that the President will engage in as he vetoes the legislation is of little or no interest to the American public. They are deeply distressed that the executive branch and legislative branch are incapable of sitting down to work out a bill that would make a difference for our economy.

What I object to is how our system of Government has been distorted by this process. The Congress was never intended to be a rubberstamp for the President's agenda. We are a deliberative body. It is our job to build consensus, to find compromise and to enact laws. However, we cannot do this effectively if our President prefers veto threats over negotiations.

Rather than join in our debate, the President accuses us of not acting on his proposals.

Mr. President, I cannot think of one major legislative effort—which is law today—that did not require members of the administration to engage in compromise and debate with this body. A few examples come to mind—the child care bill, the Minimum Wage Act, the budget agreement of 1990 and the Clean Air Act. The administration actively engaged in lengthy and contentious negotiations on all of these measures.

In their hearts, the Members of this body understand that this outcome has occurred because of partisan politics. Frankly, it is little wonder that the American public is fed up.

They will not be fooled by the photographs on the nightly news. Never once

did the President suggest even sitting down and trying to work out this legislation with the Congress. This has been a setup from the very beginning. Although the Congress and the President may lose politically, the people who really lose are the unemployed, families and businesses and others who have begged us to do something to help the real estate industry and to provide tax breaks and incentives to encourage economic expansion and growth.

So, Mr. President, I deeply regret that we have come to this point. I think the American public is justified in its anger for the inability of the White House and the Congress to reach some agreement that would make a difference in terms of the basic, fundamental, most serious question: Jobs in this country and economic opportunity.

If the President is serious about economic recovery, he should not veto this measure. He should send his staff here today to sit down and work out our differences.

It is not too late.

However, if we do not hear from the President, we need to pass this conference report with enough votes to override a potential veto. I urge my colleagues to join me in pushing for real action on this measure. We owe it to the American people to get this bill signed into law.

Mr. SIMPSON. Mr. President, I rise in opposition to the conference report to House Resolution 4210, the Democratic tax bill.

Mr. President, last week's debate on this issue was in many ways instructive, and in some ways, encouraging. Many of us on this side of the aisle expressed our regret that the tax increases contained in the committee bill made this tax debate a fruitless exercise—nothing more than a prelude to a veto. My colleague from New Mexico, Senator DOMENICI, pointed out that these taxes on individuals would actually land another hit on American businesses that are trying to produce and to create jobs because an overwhelming percentage, 90 percent, we were told last week, of those businesses file their taxes as individuals.

I listened carefully to the debate last week and as the eternal optimist, I discerned some reasons for hope that we could pass productive, pro-growth tax legislation this year. Many economists would have us simply do nothing. The economy is on its way back anyway, and empty gestures which simply keep the tax laws in flux should, we are told, be avoided.

In spite of those warnings, I have been of the belief that there is a substantial area of common bipartisan ground that ought to make it possible to do something good for the economy in tax legislation this year. I heard my friend Senator HOLLINGS come out here and speak about the subjects on which

we agree, expanding IRA's, making the President's defense cuts, and others and he asked the Senate to use our points of agreement, not our points of contention, as a starting position.

My fine friend from Wisconsin, Senator BOB KASTEN, came down here with an amendment that would have effected exactly what most Americans have told us they want us to do. It would have frozen spending, given some of the savings back in tax relief, and applied the rest to the deficit. No tax increases—simple spending restraint. Part of it to benefit taxpayers now and part of it to benefit the future holders of our national debt burdens. That amendment failed on a point of order.

The distinguished chairman of the finance committee, the respected senior Senator from Texas [Mr. BENTSEN], described his bill as an attempt to find common ground. I take him at his word. Certainly, despite the certainty of a veto, it was in some ways such a bill. You could find pieces of the President's seven points in there. Alternative minimum tax relief. Passive loss reform. The tax credit for first-time home buyers. Smaller versions of the capital gains tax cut and the investment tax credit.

The committee bill did indeed reflect some common ground. Unfortunately it also contained more than enough points of contention—\$57 billion in tax increases—to make it veto bait. What then can we say about this conference report? In every way it cuts back on those attempts to find common ground, and increases the amount of partisan confrontation.

Fifty-seven billion dollars in tax increases has been hiked up to \$70 billion. The \$31 billion in opinion poll-driven tax rebates has now been increased to \$42.4 billion.

Clearly there were other conferees who were less interested than Senator BENTSEN in meeting the President halfway. It is almost as though someone got worried that something might happen that would cause the President to support the Senate language. That would not have happened, anyway. But in any case this conference report goes above and beyond the call of duty in its attempts to guarantee a veto.

The most curious element of this conference report before us is the disappearance of the \$5,000-tax credit for first-time home buyers. By my thinking, that was a provision that many on either side of the aisle supported.

That provision cost \$1.5 billion over 5 years in the committee bill. Less costly than the passive loss provisions, or the investment tax allowance, those provisions survived, but this less costly, pro-growth, pro-home-ownership provision, a \$5,000-tax credit for first-time home buyers, disappeared.

This has never been a controversial measure. We have argued down here about capital gains taxes, and the line-

item veto, and the firewall—and we will continue to. But this tax credit is popular on both sides of the aisle.

I know our Finance Committee chairman supports that tax credit, and that he supports helping people attain home ownership. That can be said of the President, too—and of just about everyone here.

And yet we are about to vote on a conference report that omits that provision—yet contains controversial tax increases, controversial provisions related to health care for coal miners, and other pieces of veto bait.

This conference report represents a step backward in our attempts to find common ground. We know why that step backwards was taken—the closeness of the votes last week in either House proved the strength of the veto threat, and this conference report essentially gives up on trying to pass this tax legislation into law.

Thus I urge my colleagues to oppose this conference report and to speed our progress toward enacting tax legislation this year. I hope that we can get this process restarted soon. There are things that we can agree on: expanded IRA's, alternative minimum tax relief. The Finance Committee chairman has taken a strong leadership position on these and other issues.

The upcoming veto of this legislation will make clear the boundaries within which we are going to have to operate if we are going to get these measures passed into law. I trust that we will be back revisiting the issue soon, and I look forward to working with my colleagues on both sides of the aisle in that effort.

Mr. PELL. Mr. President, I support and will vote for the compromise economic growth tax bill presented to the Senate today. I regret very much that President Bush intends to veto this bill, and hope he will reconsider that decision.

After denying for 18 months that the national economic recession required any action, the President abruptly changed course in January and demanded that the Congress pass an economic growth tax bill within less than 2 months. Today, the Congress has met that challenge and has produced a tax bill that I believe will both encourage economic growth and will help our middle-income citizens.

The bill before the Senate does provide significant incentives for investment to produce jobs, including progressive capital gains tax reduction, and a temporary investment tax allowance.

In addition, the bill would move toward an equal fairer sharing of tax burdens, with a modest tax cut for middle-income families and an increase in taxes on the very wealthiest. Another important element of fairness in the bill is the provision permitting deduction of interest paid on student loans.

I am particularly glad that the bill would repeal the luxury excise tax on boats and jewelry, since that tax has contributed to economic disaster in Rhode Island's boat-building industry, and has in addition hurt our important jewelry manufacturing industry without imposing any real tax on those who ordinarily would purchase boats and jewelry.

This bill is not perfect. I would like to see a broader and more effective reduction in the tax on capital gains, for example, and I particularly regret that the bill does not include a tax credit for first-time home buyers, as proposed by the President and as included in the tax bill originally passed by the Senate.

It is nevertheless a good bill that includes much of what both the President and the Congress wish to accomplish. Accordingly, I hope the President will now meet the Congress halfway and sign this bill into law so the American people can have the benefit of greater economic growth and greater tax fairness without further delay.

Mr. BREAUX. Mr. President, the Senate version of the tax bill contained a provision designed to increase the investment in noncollege-bound youth. Only one-seventh of all education funds spent on posthigh school education and training is spent on noncollege-bound youth. This is the wrong policy. Many other developed countries, such as Germany, Sweden, and Japan place great emphasis on training noncollege-bound youth.

I believe it is time that the United States adopt the same attitude: All students are important to the success of this country whether they are college-bound or not. I also believe we need to put our money where our mouth is and increase investment in these students. The youth-step provision contained in the Senate bill meets these goals.

This provision, the youth skills training and education program [youth-step], is found in title II of H.R. 4210 as reported by the Finance committee and adopted by the Senate. This provision encourages businesses to do what they are not now doing—establish meaningful partnerships with schools to provide on-the-job-training of high school students for skills that require technical classroom instruction and supervised job training instruction.

My understanding is that this provision was not adopted by the conferees due primarily to the lack of time needed to resolve any differences and for jurisdictional concerns raised by House committees. Is that correct?

Mr. BENTSEN. The Senator from Louisiana is correct. As he knows, the Congress has been working to provide the President with an economic growth and tax fairness bill by March 20. With respect to the youth step provision, the conferees of the House Ways and Means

Committee were concerned that other House committees had raised questions of jurisdiction, which could lead to delay of the conference. Therefore, with the March 20 deadline approaching, it was decided by the conferees not to adopt the provision at this time.

Mr. BREAUX. I thank the chairman and appreciate his support for this provision. Should there be another tax bill considered in the Senate this year, I hope there will be an opportunity to once again include this provision.

Mr. SANFORD. Mr. President, I come to the floor today to express my support for the Democrats' compromise tax bill.

I regret that President Bush has indicated his intent to veto legislation which he has not even adequately reviewed. The President continues to display a complete disregard for the very important legislative process of negotiation. The art of governing necessarily involves the art of compromise.

In his State of the Union Message, the President told us and the American people that he wanted a comprehensive tax package. He outlined it that night and delivered the details to Congress the next day. But when criticism of its various parts hit Capitol Hill within hours, he withdrew it and submitted a new proposal containing seven tax cuts and eliminated his own the fairness proposals to help the lower and middle classes.

Where the President really let the American people down, however, is in failing to provide a real way to pay for his tax cuts. Because our rules require that tax cuts be paid for either through tax increases elsewhere or spending reductions, we had to come up with something. So he changed some accounting rules and announced that he had paid for his tax bill.

The American people are smarter than that. They know that accounting gimmicks don't put cash in the bank. In fact, during the Senate Finance Committee's consideration of the tax bill, the President's own deputy admitted that the accounting changes would not produce any revenues to pay for his tax cuts. When asked where the actual money would come from, the President's deputy told the Finance Committee it would have to be borrowed. And when asked when the loans would be repaid he responded that they would never be repaid. Now, that is clever, but it is not honest. The truth is that the President's plan adds \$27 billion to our deficit. It adds to the debt that our children and our grandchildren will be called upon to repay. While I support many of the provisions in the President's plan, I strenuously object to placing the burden of paying for those provisions on future generations. I bet if we passed his tax cuts, he would then blame Congress for increasing the deficit since he seems to want to blame Congress for all of his problems.

Frankly, I do not know if accounting gimmicks fit within a loophole in the budget law as a way to pay for tax cuts, but they certainly don't fit within the spirit of the law.

The Democrats took a more responsible approach. Certainly, this bill is not perfect, but it is the product of compromise. We figured out a way to give President Bush his tax cuts and how to pay for them. If President Bush wants to go to the American people and say that a tax increase on the wealthiest 1 percent of taxpayers, the same group which received two massive tax cuts during the 1980's and which will benefit most from his tax cuts included in this bill, is unfair and should be vetoed, that is his decision.

The Democratic compromise does a lot of other good things. It provides some middle class tax relief as well as incentives for companies to create jobs. It promotes long-term economic growth by improving educational opportunities, providing better access to affordable health care, and protecting the environment. It extends a number of successful tax credit programs for research and experimentation, targeted job creation, and development and mortgage bonds. It repeals the job-losing luxury tax. It provides some relief to the battered real estate industry. Most importantly, it is fair. Which is exactly what we should seek in tax laws. I only wish the President saw it that way, because that is the way the American people see it.

Mr. President, as I have said before, tax legislation alone does not constitute an economic recovery program. But it is a start. We should pass this bill and get on with our work on a comprehensive economic recovery program.

UBIT IMPACT ON OLYMPIC GAMES

Mr. NUNN. Mr. President, I would like to engage you in a short colloquy regarding the unrelated business income tax [UBIT] issue. I am particularly interested about the Federal income tax treatment of the royalty income derived by the United States Olympic Committee [USOC] and the Atlanta Committee for the Olympic Games, Inc. [ACOG], in connection with the Olympic games. Is it the Senator's understanding that royalty income received in the 1984 Los Angeles Olympic games was not taxed under the UBIT provisions?

Mr. BENTSEN. Yes, that is my understanding.

Mr. NUNN. I would expect that the royalty income derived from the licensing of Olympic trademarks, emblems, and designations in future Olympic games, such as the 1996 games, would also be exempt. Is that the Senator's expectation and that of the Finance Committee?

Mr. BENTSEN. Yes, it is my expectation that the royalty income derived from the licensing of Olympic trade-

marks, emblems, and designations is exempt from UBIT.

Mr. NUNN. Is it also the Senator's understanding that income from broadcasting, filming, and videotaping the Olympics will be exempt from UBIT because those activities are related to the exempt purposes of the USOC and the ACOG?

Mr. BENTSEN. Yes, it is my understanding that, under current law, broadcasting, filming, and videotaping the Olympics are related activities of the USOC and the ACOG, so that any income derived from those activities would be exempt from UBIT.

Mr. NUNN. I thank the chairman for engaging me in this colloquy.

Mr. HARKIN. Mr. President, I rise to express my support for the conference report on the tax bill. Mr. President, I do this reluctantly because contrary to its title, "Middle-Income Tax Relief and Economic Growth Incentives," this is not really a growth package. But it is a far better alternative to the tax bill proposed by President Bush.

The fact is the bill before us will only marginally at best help the economy. But it won't hurt it. The same cannot be said for the President's package, which is nothing more than a rehash of supply-side trickle-down economic policies.

The President's package offers another nightmare for Main Street. I said it before and I'll say it now, George Bush's economic recovery program can be summed up in three words: Cut capital gains. That's his answer to everything. Nine million unemployed? Cut capital gains. Depressed economy? Cut capital gains. Trade deficit? Cut capital gains. Got a toothache? Cut capital gains.

In the early eighties, there was a 30-percent savings on the profits from capital gains because of the exclusion. That tax benefit didn't stimulate growth. In fact, after capital gains were increased in 1986, investments in venture capital actually increased in the following year. Now Bush and the Republicans think that cutting capital gains is the solution to our economic problems. It is not. A cut like what the President is proposing will deepen our fiscal crisis, add to an already skyrocketing deficit, and increase the injustice in the Tax Code.

This is more of the same supply-side trickle-down economic policies that have made the United States the world's largest debtor nation. That's added \$1 trillion to trade deficit, and more than tripled our national debt. With these policies, the rich have gotten richer, the poor poorer, while the middle class got left paying the bills both ways.

This conference report takes a step toward injecting fairness in our tax and economic policies, and making the wealthy start paying their fair share.

In the last 15 years, the top 1 percent of taxpayers saw their effective tax

rate go down 18 percent, while 80 percent of the taxpayers—the vast majority of Americans—saw their taxes go up. Since 1980, the real after tax income of the top 1 percent of families rose by \$243,000. The typical middle-income family income fell by \$747 over the same period.

Mr. President, if this measure were signed into law, a typical American family would see a real reduction in their taxes. And a vast majority of the revenue raised by this bill—about 95 percent of it—comes from those with incomes over \$150,000 a year.

There are many specific provisions with which I disagree, but overall it's a much better alternative than the President's proposal. For that reason, I will vote for it.

But, Mr. President, I want to conclude by saying if we're looking for a growth package, this measure isn't it. To look for an economic stimulus in a tax cut, let me quote from John Kenneth Galbraith: "This is foolish, even mildly insane."

The only way to put our economy on the path to long-term growth—not just a short-term recovery—is by increasing investments, not consumption. Our economy, after it's been bankrupted by 11 years of supply-side economics, needs radical change, not tinkering around the edges.

First, we need to totally discard supply-side economics.

Second, we need to change our spending priorities—stop spending \$160 billion to defend Europe from a nonexistent Soviet Union, and bring that money home to rebuild our economy here.

Third, increase investments in our human resources—our children, our workers, and our families—and in our physical infrastructure, our roads, bridges, sewer systems, our decaying schools, and in new environmental, energy and transportation technologies.

We need to start investing in early intervention programs like WIC and Head Start to prepare our children for school, to improve our schools and expand our job training programs to make our workers more productive, and repair our roads and develop new energy systems to reduce business costs and make our industries more competitive.

The Germans and Japanese have been increasing their investment in domestic programs. And their productivity rates have risen as a result. It's time that we learn from them.

There are the issues on which we should focus. This is where the Senate needs to devote more of its attention and the Government must direct more of our Nation's resources.

Mr. KENNEDY. Mr. President, this legislation sends an important message to the American people. It tells them that Congress stands for tax fairness for the middle-class and working

Americans, education and training for our work force, and responsible incentives for investment, job creation, and long-term growth.

Most importantly, the bill accomplishes these goals without adding a penny to the Federal deficit. It is paid for by a tax increase on the wealthiest 1 percent of American families, and a surtax on the income of millionaires. For that reason alone, the President threatens to veto the bill.

The battle lines are clearly drawn. On one side, Democrats in Congress provide tax relief for over 80 million middle-class and working taxpayers, incentives for new investment and research by businesses, and important assistance for education, job training, low-income housing, and a host of other vital goals.

On the other side stand President Bush and our Republican colleagues in Congress, defending to the death the right of the wealthiest Americans to avoid their fair share of taxes. This is the ultimate absurdity of trickle-down economics—that a President would veto this legislation, with all its important other provisions, to protect the wealthy few.

The President says that we should avoid class warfare. But this bill is not class warfare. It is the first step toward correcting all of the class warfare that the vast majority of Americans suffered in the 1980's. From 1977 to 1989, the top 1 percent of Americans received 77 percent of the income growth. Forty percent of American taxpayers actually lost income during those years. This legislation helps to redress that injustice. It is simple tax justice for all Americans.

We have met the President's deadline. We have produced a bill that is effective, carefully targeted to economic needs, and above all is fair.

But if and when the President does veto this bill, the American people should ask themselves who has their best interests at heart. Congress, with this bill that provides middle-class tax relief and economic growth incentives, paid for in a fair and rational way? Or the President, who is willing to nullify this entire measure in order to protect the upper 1 percent of taxpayers and millionaires from paying their fair share of taxes?

The choice is clear. The real vote to override the President's unfortunate veto will take place in November, and the American people will be the voters that reverse the administration's misguided and unfair economic policies.

Ms. MIKULSKI. Mr. President, I want to address a provision in the conference report that deals with protecting retired coal miners who are orphaned because their companies can no longer pay their health benefits. Under a provision similar to Senator ROCKEFELLER's S. 1931, this conference report provides that many coal companies

will pay into a fund to protect these orphaned miners.

I strongly believe that these retired miners need to be protected from losing their benefits. They worked for most of their lives in coal mines, and they have earned the right to have their health protected. We shouldn't let their benefits be cut off, and I commend Senator ROCKEFELLER for working so hard to protect them.

However, I also believe that working miners have to be protected also. Unfortunately, this compromise eases the burden of some companies, and puts an unfair burden on others. Under the current agreement, the Bituminous Coal Operators Association member companies have their costs of protecting miners' benefits eased, while other companies face steep new costs.

Maryland has no companies that signed the pact between the United Mine Workers and the BCOA to take care of retired coal miners. But, under this conference report, Maryland's mining companies would face much higher costs. These costs, possibly up to \$1 an hour for every coal miner employed, would make it harder for them to compete, both internationally and with companies here in the United States.

I know that Senator ROCKEFELLER shares some of my concerns about the costs of this deal to nonsignatory companies. He has assured me that this compromise is not final and that it will be reworked in the future to help ease the costs on nonsignatory companies in Maryland and elsewhere.

I will support the conference report in part due to Senator ROCKEFELLER's assurance that, after President Bush's promised veto, he will work with me and other Senators to protect miners working for nonsignatory companies in Maryland and in other States. Again, I congratulate Senator ROCKEFELLER for his efforts to help these orphaned miners, and I look forward to working with him on improving his plan.

Mr. BUMPERS. Mr. President, I am sorry to see that the conference report has not solved a problem in the bill that went to conference.

The House bill did not include the investments of or the investments in Small Business Investment Corporations [SBIC's] and Minority Small Business Investment Corporations [MSBIC's] under the venture capital provision. In the venture capital bill that I introduced, S. 1932, these investments are covered. To ensure that they are covered S. 1932 contains an explicit provision to that effect, a provision that was deleted in the House bill. The Senate bill was similarly deficient. And the conference bill fails to include this crucial provision.

The investments in and the investments of both SBIC's and MSBIC's should be covered. These firms perform precisely the venture capital function

that the venture capital provision is designed to promote.

SBIC's and MSBIC's take the same risk that venture capitalists take. They work with the management of struggling small firms that venture capitalists do.

There is no reason to exclude SBIC's and MSBIC's from this provision.

I can assure you that I will raise this issue with the tax committees during the coming months to ensure that SBIC's and MSBIC's are covered by the next tax bill.

CHILDREN'S PROVISION IN THE TAX PACKAGE

Mr. ROCKEFELLER. Mr. President, as Chairman of the National Commission on Children, I want to call attention to some of the fundamental principles established by the conference report on H.R. 4210.

This package has a compromise proposal for middle-income tax relief. For 1992 and 1993, it provides a 20-percent credit on FICA taxes up to \$150 for individuals earning up to \$50,000, and \$300 for married couples earning up to \$70,000. The credit would be refundable for workers with children.

Starting in 1994, the package would establish the Senate-sponsored provision of a \$300 child tax credit for each child under the age of 16. Unfortunately, this tax credit was not made refundable.

The National Commission on Children boldly recommended a \$1,000 refundable tax credit for children as the cornerstone for its comprehensive income security package for families.

Last month, I introduced the Family Income Security Act, legislation that truly reflects the comprehensive approach suggested in the unanimous report of the Children's Commission. In addition to a substantial refundable tax credit for children, my bill calls for general simplification and an increase in the earned income tax credit to provide support and encouragement for families struggling to raise children in low-wage jobs. It calls for an innovative child support insurance demonstration project that would dramatically strengthen the incentives for absent parents to pay the child support they owe, and in cases where an absent parent fails to provide support, a minimum Government benefit would be provided so that a single parent isn't forced to shoulder the burdens of two. The final component is a demonstration project to provide community employment opportunities to AFDC parents in order to promote the transition from welfare dependency to work.

The conference report also takes a step forward on the issue of simplification of the earned income tax credit, but it does so with a reduction in benefits of \$84 million over 5 years. Simplification must be done, but we should increase benefits, not reduce them.

While the conference report does not fulfill the bold vision of the Children

Commission's recommendations, it does establish, in limited form, support for a refundable tax credit for working families in the interim. This compromise recognizes the need for a permanent child tax credit to symbolize our support for children and families.

I am very disappointed that the child tax credit to be established in 1994 is not refundable. It should be. Parents struggling to raise children at low-wage jobs undoubtedly deserve support through a refundable child tax credit. Over 8 million families would be excluded or shortchanged by a nonrefundable credit and I don't believe that is fair or smart public policy.

If we want to encourage families to work and to strive, we must offer them support at all levels.

Still, I prefer to be optimistic. This conference report includes fundamental principles outlined in the National Commission on Children. It offers a starting point, and we must build upon these principles until we achieve our long-term goals of a refundable tax credit for children, and basic income security for our families.

The National Commission on Children was created by the distinguished chairman of the Senate Finance Committee, Senator LLOYD BENTSEN. In creating the commission and throughout his work on the Finance Committee, Senator BENTSEN has proven time and time again his deep concern and compassion for needs of children. His leadership over the years has been instrumental in securing real achievements for children.

Working together, we must continue to press for public policies and programs that will strengthen families and help children who represent our country's future.

Mr. D'AMATO. Mr. President, I rise today to oppose this tax bill because it certainly does not live up to tax fairness. You don't have to dig very deep to find more flaws than you can shake a stick at. This is not an economic growth bill or a tax fairness bill, it is simply a bad bill. It's heavy on tax and light on fairness. The conference report is even worse than the original Senate bill. It raises taxes by over \$66 billion and increases spending by over \$70 billion. This bill is a deficit enhancer and is not what the American people want, need or deserve.

Mr. President, at one time or another all of us have voiced concern about the state of our economy, how we need to provide low- and middle-income working Americans with the relief they deserve, and to get this country back on track by providing meaningful incentives that will truly stimulate our declining economy.

I fully support the good things in this bill, like IRA expansion, including penalty free withdrawals, repeal of the luxury tax, capital gains tax reductions, and other items that clearly ben-

efit low- and middle-income Americans. However, the bad things in this bill, specifically increased taxes and spending, totally overshadow the good and will ultimately bring this bill down.

Dropped from the bill, but just as important, are my workfare and welfare-shopping provisions that passed on the Senate floor. My first provision would have required able-bodied adults, without children, who do not work, to participate in State workfare programs. By requiring workfare for these people the taxpayers get justice. The free ride of welfare should end.

My second provision would have saved taxpayers \$30 million each year by prohibiting, for 1 year, welfare recipients from receiving higher benefits after moving to another State. Welfare shopping must end and workfare must begin. Americans are sick and tired of wasteful spending. Rest assured that I will continue to push these issues, and I will bring them up again.

Mr. President, I am especially surprised and shocked to learn that, in my opinion, one of the most proeconomic growth provisions previously in this package has been compromised and removed. I have been a strong advocate of the \$5,000 first-time home buyer credit and its removal from the tax bill stands as a testimonial to why I contend that this bill is light on fairness. It is a known fact that this credit would have led to the creation of over 600,000 jobs and billions of dollars in increased revenues. Revenues that would have more than paid for this proeconomic growth provision, without raising additional taxes.

Mr. President, I could go on and on about the inequities of this bill, but I believe I have made my point. I challenge my colleagues to stop the rhetoric and partisan bickering and begin to work together to develop a tax package that the American people want, need and deserve.

TAX FAIRNESS AND ECONOMIC GROWTH ACT—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I submit a report of the committee of conference on H.R. 4210 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4210) to amend the Internal Revenue Code of 1986 to provide incentives for increased economic growth and to provide tax relief for families, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, March 20, 1992.)

Mr. MITCHELL. Mr. President, I yield 4 minutes to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 4 minutes.

Mr. AKAKA. Mr. President, I rise in support of the conference report for H.R. 4210, the Family Fairness and Economic Growth Act of 1992. At the outset, I extend my heartfelt thanks and admiration to Senator BENTSEN, the chairman of our Finance Committee, for his Herculean effort and leadership in getting this tax fairness and economic growth legislation to the Senate. In under 2 months, the Senator from Texas has succeeded in achieving what has eluded the President for over 3 years. Namely, to advance a balanced, coherent, and equitable plan to stimulate the economy and provide relief to America's families.

This administration has paid scant attention to the urgent domestic needs brought about by the longest recession since the Depression of 1933. The litany of economic woes, negative economic indicators, and absence of consumer confidence have all been well-documented. Yet, President Bush and his advisers have spent the interval between the State of the Union and today planning "deadline day" politics, instead of addressing the problems confronting hardworking, yet, hardpressed working Americans.

Over the past decade, middle-income families have experienced higher Federal income taxes while their personal income declined. In contrast, the richest 1 percent have enjoyed a tax cut of nearly 20 percent, while their after-tax income nearly doubled.

Americans are fed up with tax policies that have allowed the richest 1 percent to enjoy 75 percent of our Nation's income growth. They are tired of reading about million dollar CEO bonuses when they are struggling to buy a home and send their children to college. America, we hear you. Once and for all, let us put an end to voodoo economics and bring back middle-class fairness. That is what this bill would do.

Mr. President, in the past decade, the productivity of American workers has steadily risen. Yet, the rewards resulting from this gain were not enjoyed by those who earned it. Instead, they enriched a very few wealthy individuals. Well, the decade-long party is long since over, the bill is overdue. We must wake up, face the truth and act to promote economic growth and opportunity for all Americans.

The tax cuts in this bill will provide genuine, substantive benefits for working Americans. This middle-class relief is paid for in a fair and fiscally responsible manner, and avoids using budget

gimmicks or accounting tricks. The investment incentives contained in the bill spur new job creation, promote small business expansion, and stimulate economic growth. They are targeted to accelerate economic recovery and promote long-term growth and competitiveness.

The restoration of full eligibility for all Americans to take advantage of a deductible \$2,000 individual retirement account [IRA] will help American families handle difficult financial decisions and plan for the domestic needs which not only impact their lives today, but have important ramifications for future generations.

As an advocate of expanding the affordable housing pool, I am pleased by the inclusion of a permanent extension of the low-income housing tax credit and one year extension of the mortgage revenue bonds program to promote the creation of more affordable housing. This is but one of a number of incentives and credits in the bill which will help families realize the dream of owning their own home.

Mr. President, the plight of middle-class families demands action to spur growth, create jobs, and restore fairness to our Tax Code. It is not enough to belatedly acknowledge that people are hurting across the country, and merely tell them how much we care. We must act, and act now, if we are to restore prosperity, security, and competitiveness to our economy for this and future generations of Americans.

Hard work and compromise have yielded a fair, reasonable economic recovery, growth, and tax fairness package. This bill sends a clear signal to the American people: We hear you. We hear your concerns about the security of your job and the well-being of your children. We hear you wondering about how you can pay your bills, meet your mortgage, and save enough to put your children through college. I know this bill does not solve all of our Nation's economic problems. But for the first time, in a long time, we have a tax bill that addresses the issues of fairness and growth in a progressive, positive way.

I will vote for the conference report, and I urge my colleagues to do the same.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, today has arrived. It is zero day and we have a zero jobs package, no first-time home buyer tax credit, not there; capital gains reduction, completely different than the President's; penalty-free IRA withdrawals different from the Presi-

dent; investment tax allowance—he had 15; they had 10; that makes it about a nullity. Unless it is 15 it is little good for hard-working capital that wants to be invested in growth.

It seems to me that a zero day arrived and we have a zero package. The American people should expect zero because that is what they are going to get.

Mr. President, I thought the time has really come when we were going to change policies in this country and do something to create jobs. Nothing has changed. The American people should know that.

Those who lead the Democratic Party in the Congress are so used to taxing and spending that even when they are asked to produce a jobs bill they tax and they spend. There are \$78 billion of new taxes in this bill. I submit that no one who is looking at this from America's standpoint instead of from a political standpoint, no one looking at it from the standpoint of jobs for America instead of jobs for politicians, no one will say that what we have before us is a jobs package.

It taxes Americans \$78 million worth. And you know who it taxes, Mr. President, and I say to fellow Senators, it taxes the very people in small businesses across this land, in fact about 85 to 90 percent of this tax will fall on small business Americans who are waiting around to invest their money in growth packages, in the production of jobs. They are waiting around for the 15 percent allowance for business investment so they can buy new equipment so their businesses can grow.

The Senator from New Mexico has cited cases of small business people who say instead of growing when this package is finished they will have to retrench. Instead of a growth package with more jobs moving ahead full speed, it will go backward. In fact, it will turn into low gear and slow gear.

There is no doubt that the hardest-working capital in America is not going to go to put people to work. The hardest-working capital that small business has is going to go to the coffers of the U.S. Treasury.

And since I started with a tax and spend notion, let me complete that. The taxes that are being imposed here are going to be spent. Senators can get up and say it is going to other Americans who might need it or deserve some kind of a tax break, but the truth of the matter is the deficit is not going to be reduced one penny by a \$78 billion tax increase. And, Mr. President, there are very few who look at the United States of America and do not ask us when, when, oh, America will you reduce the deficit? Here we have a chance and instead of that, tax and spend.

It seems to me that the President is right in vetoing this bill as quickly as it arrives in the White House. He got nothing that he wanted. Senators from

the other side can say 90 percent; 90 percent of what? Capital gains—when it left the Senate they said they gave the President capital gains. When they went out and looked at it, it was so complicated, I say to my friend from Mississippi, even then they change it out in conference but what they changed it to is still not the President's.

Capital gains is not going to work under the way they have done it. And the most popular provision around to build houses, the \$5,000 exemption for first-time home buyers is not even in the bill. It was in here partially before and now it is out, all so that a rewrite of some Tax Code can take place in a year when we are looking for changes that will produce and create jobs for Americans.

You would think that at this stage to prove that they were serious about the bill they would take out some of the special interest provisions. They are all in there. We are taxing coal mines to pay for coal miners and coal miners that cannot get their pensions paid for and probably another 30 provisions like it.

I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). Who yields time?

Mr. GORTON. Mr. President, I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. Two minutes is yielded to the Senator from California.

The Senator from California is recognized.

Mr. SEYMOUR. Thank you very much, Mr. President, and my thanks to my colleague from Washington.

Mr. President, what we have before us is not a proposal that will create jobs. Let's call it what it is. It is a tax bill. In fact it is a tax shift and a tax shaft. The shift goes to those few narrow groups of taxpayers who would receive a candy bar a day. The shaft goes to those small business people, men and women, many of them young, struggling entrepreneurs who are going to see their small profits taxed even more. Instead of pouring their earnings back into the business to create new jobs, to expand their inventory and improve their business, they are going to pay more taxes.

Where are the jobs in this bill, Mr. President? This is supposed to be a jobs bill. In fact, the conferees pulled out the greatest job creating portion of the package, the \$5,000 tax credit for first-time home buyers. When we debated the Senate Finance Committee bill last week, I argued that the home buyer tax credit in that bill was half the loaf because it limited the credit to new houses only where we should be applying the credit to cover all housing. When the bill went to conference, the Democrats eliminated the provision entirely. So much for the jobs program.

I was in business for 17 years. It did not take a Ph.D. in economics to understand that when housing construction goes down you are headed into a recession; when it picks up, you are going out of a recession.

Mr. President, the jobs are gone. What do we have left? We have a bill that panders to some very narrow segments of taxpayers and offers very little hope for jobs.

A \$5,000 tax credit for first-time home buyers is aimed smackdab at a very large segment of our population—the middle class. It is a genuine program to help people achieve the American dream. According to the Census Bureau, the average household income for first-time home buyers is \$34,842. That's not a lot of money for a family of any size. And what's the average purchase price of the homes they are buying? It is \$68,000. This is not a program for the rich.

By triggering purchases of first-time home buyers, we can boost the move-up market, where the average household income is just over \$42,000, and spur new construction. Let's be clear, Mr. President, by boosting the ability of first-time home buyers, we are jump-starting an entire industry. One that creates jobs, boosts economic activity along "main street USA," and helps promote the cherished American dream of home ownership.

We need to offer this credit, Mr. President, to all first-time home buyers to stimulate business throughout the economy. Each time a home changes hands, the dollars spent on the home purchase multiply throughout the economy and create jobs. To be more specific, Mr. President, every \$1 spent on new housing in California generates \$2.56 in economic activity. The same dollar in the resale market will generate \$2.12.

So, in the first place, you have a dollar of new construction turning over in the economy and generating \$2.56. If you spread the program to existing homes as well, you pick up another \$2.12 in economic activity for every dollar spent. Moreover, every \$1 million spent in the new home market creates 29.6 jobs, and the same dollar in the resale market will create an additional 22 jobs.

So it seems very clear to me that the Democratic proposal, by eliminating the potential benefits of the credit, really misses the mark.

I hope this is going to be swift and quick, with the President's veto, and I hope then that my colleagues on the opposite side of the aisle will sit down and talk about a bill for jobs.

I agree wholeheartedly with the Senator from Connecticut [Mr. DODD]. The people who are hurt most by this bill are the unemployed, those are the ones who are the real losers in this debate.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SEYMOUR. Thank you, Mr. President.

I yield my time.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. I yield 2 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 minutes.

Mr. BROWN. Thank you, Mr. President.

Mr. President, I do not think this calls for a long talk but some distinct points. The longest period of growth in recent history for the United States has been the period in the eighties after we restored some incentives to the Tax Code for people to work.

What brought that longest recovery to an end? It is very clear. The huge tax increase passed by this Congress brought to an end one of the longest recoveries in American history.

That tax increase began to destroy the incentives that helped make this country prosper. During the period where we had more jobs than all of Europe and Japan combined, a tax increase passed by this Congress brought that recovery period to an end.

Now we have suffered through a recession brought on by this Congress and its foolish action in taxing the American people, and the answer that is brought to us is another tax increase.

Mr. President, make no mistake about it, this bill is a tax increase prescription for the American economy.

The so-called tax cuts in this bill are temporary, or at least many of them are, but the tax increases are permanent.

This bill is a major tax increase. Even though the net tax increase that show on the forecast is only small, in the long-term it is an enormous tax increase, because we have assigned a permanent status to huge tax increases that are here.

Mr. President, the choice is very simple. Is the answer to this Nation's economic problems further burdens on the American men and women or is it a revision of the code to provide incentives for America to become more productive?

I believe we ought to get on with the job of making America more productive and more creative and we ought to write off this effort to increase taxes to the trash heap that it deserves.

I believe the chairman of the Senate Finance Committee made a sincere effort to improve the tax bill that had come from the House. I look forward to a time when we will work together as parties to achieve a better conclusion.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. RIEGLE. Will the Senator from Texas yield me some time?

Mr. BENTSEN. I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. I thank the Senator from Texas.

I think this is a very important measure that we have before us and I hope the Senate will pass it today.

One of the key features is that it provides middle-class tax relief, and the middle class of this country needs and deserves tax relief.

The reason the administration is against a middle-class tax cut is that most of the people in the administration have never been in the middle class. They do not understand it. They do not understand the problems facing people, most families with two people working, finding it very difficult to get ahead. The tax relief provided in here will help those families pay critical bills, whether it is tuition bills at college, whether it is to pay a house payment, a car payment, medical bills, what-have-you.

The high-income people of this country are asked to give back a little bit of the huge tax cuts they got in the 1980's. That is where all the tax cuts of the eighties went. They went right up to the very top of the income scale. And we are saying to that group: We think it is time for you to give a little bit of it back so that it can go to the middle class—who really got nothing during the 1980's and who deserve it—and, under the notion of fairness and the requirements of meeting the basic needs of families across the country, that the middle class get some help for a change. But, no, the people at the high-income levels—many in the administration—they want to keep all of those huge tax breaks that they got during the 1980's.

Well, that is not right. And we fix that in this legislation.

We also have in here incentives to create jobs. The President asked for seven different measures in that area. Six of those are in this legislation. And we restore a fully deductible IRA account, an individual retirement account, to create an incentive for people to save for their own retirement. That money goes into long-term savings available for investment and job creation here in America. This is a sound bill. This bill will create jobs in America and restore fairness to our Tax Code. It is time we enact it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BENTSEN. I yield 1 minute to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. MOYNIHAN. Mr. President, may I point out that this measure that we are about to vote on is the first response the Congress will have made to the outrageous misuse of the Social Security trust fund as general revenues—

which has been going on for a decade now. Every American man or woman who works and pays Social Security, which is 130 million people, will receive a tax benefit under this measure.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. I yield 3 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. During the floor debate concerning this bill, I expressed my frustration—and even my sorrow—that Congress was proving itself unwilling to do what really must be done to prepare America for a bright and prosperous future. I do not know how many times I expressed my belief that the American people are most concerned about jobs and economic growth—that these should have been our fundamental objectives—as we pushed for economic reform.

The issue that we should be about is simple. It is an issue of growth and jobs—growth and jobs and preparing America for a promising 21st century. The issue is not redistribution of wealth; it is about creating wealth—wealth and opportunity for working men and women; it is about helping families find security, and children a bright future.

Frankly, I am an optimist. I certainly don't like the tax increase in this bill. Because of that tax increase, I will not vote for it. History has proven that tax increases kill rather than build our economy. If there was a political agenda with the bill to foment class warfare in an election year, well I do not like that either. But frankly, there are some features that I do like—features that I believe are even promising as we now look for real reform.

Like a patient struggling for life, this package has some strong vital signs—the Bentsen-Roth IRA package for one, an Investment Tax Incentive for another, and the semblance of a capital gains proposal. And you will never, ever hear me complain about tax cuts. Unfortunately, however, the cancerous tax increase this bill contains makes it terminal. And just like cancer, the tax increase must be cut out. Look at what Congress' 1990 tax increase did to the economy. Then ask yourself if America can afford another.

Mr. President, perhaps of the three strong points in this bill, the one I believe we must move forward with to prepare America for a bright and prosperous future is the IRA proposal. How many times do we need to hear that of all the G-7 nations, America is ranking last in its rate of personal saving? How often do we have to hear that if we are to build a secure future for our children, we must begin now by investing in research, development, education, machinery, and technology? How often do we have to hear that a se-

cure American future depends on a secure and self-reliant American people?

How long do we have to hear these things before we finally act, before we vote the people a bill that the people want, a bill that will immediately begin to increase our Nation's rate of savings as well as our competitive ability?

We need the IRA. The majority of us are in agreement. It is good for America. It is right. The Bentsen-Roth IRA has overwhelming, bipartisan support in both Houses. Now let us pass it. And in the process, let us pass these other initiatives that both sides can agree on—these other initiatives that both sides believe are needed to build our economy. But, Mr. President, let us do it without a dangerous tax increase.

The question of how to pay for the three economic recovery items I have mentioned—the Bentsen-Roth IRA, an investment tax incentive, and a capital gains tax cut—is simple. It is one I believe the American people will wholeheartedly support: We do it by responsibly reducing the post-cold-war military and by bringing Government spending under control. These are two fundamental responsibilities we should be attending to in the first place.

Personally, I think it is embarrassing that in this time of tightening belts and real concern in our families, in our communities—I think during this time of restraint and even fear about the economic future it is embarrassing that the Federal Government is thriving, getting fatter and fatter, making a mockery out of its legitimate responsibilities.

Now, I know the cynical are going to say that this is a tall order—bringing Government under control and responsibly reducing the military without filtering the savings into other political pork barrel programs. I know it is a tall order to reorganize Government, make it more efficient, even competitive. I have been working on doing this for 18 years, sometimes with success and sometimes without. I will admit it; what I am talking about is a tall order. But filling it is what we are here to do.

In my opinion, this is what we should be about. And the moment is now to do it. We cannot build a bright future on economic failures of the past; we cannot tax America into prosperity and competitiveness. But we can pass legislation that encourages a thriving environment for growth, self-reliance, and opportunity. This is what I am going to be about. And I urge all of my colleagues to join me.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. GORTON. Mr. President, I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

Mr. GRAMM. Mr. President, on January 1, 1982, the Reagan tax cuts went into effect. Under those tax cuts, 20 million Americans went to work in new, permanent, tax-paying jobs with a future. Sixteen million of those jobs were created by small businesses.

One of the things we did to allow small businesses to create jobs is that we started taxing small businesses as individuals. This provided them tax incentives, allowed them to build up retained earnings, allowed them to create jobs that America needed.

We have before us a bill that raises taxes by \$75.8 billion and claims to be taxing rich people. And yet when you look at the impact of this tax increase, two-thirds of this tax increase falls on small business people and on farmers.

Mr. President, what we are doing is raising tax rates by 16 percent and imposing a direct tax on job creation. The net result of adopting this bill, if it became law, would be to put at least a half million Americans who are working today out of work.

Now, what is this all about? The President sent us seven simple tax proposals, all aimed at jump-starting the economy. And what has the Congress produced? The Congress has produced a scheme to try to redistribute wealth by raising tax rates by 16 percent, by imposing a 10-percent surcharge, by denying people the ability to use their personal exemptions and itemized deductions, the net result being that for some small businesses and for some farmers their marginal tax rate will rise from 31 percent to over 40 percent.

The net result will be the destruction of jobs. And what do our Democratic colleagues offer in return to the people who lose their jobs? They offer a tax cut for a family of four of 21 cents a day per person. Mr. President, that is a bad bargain.

What we are trying to do here is reverse 72 years of world history. For 72 years, the class struggle prevailed as the prominent political issue in Eastern Europe and the Soviet Union. It still dominates today in the debate in Havana, Cuba. What we are trying to do in this bill is kindle a class political warfare in America by raising marginal tax rates with the claim that we are helping the middle class. But what the middle class gets is a 21-cents-a-day tax cut.

Mr. President, I urge my colleagues to reject the politics of the class struggle. We need to be creating jobs, not redistributing wealth. We need to reject this bill.

The bad news is the Democrats control both Houses of Congress. They are trying to redistribute wealth rather than create jobs. The good news is the President has the power to veto their bill. And we have the votes to sustain that veto.

I urge my colleagues to vote against this bill.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, I yield myself 3 minutes.

Mr. President, it is interesting the way they refer to the \$78 billion tax increase and never comment on the fact that we have 78 billion dollars' worth of tax cuts in this legislation. And what we have done has no resemblance to class warfare. It is no more class warfare in this context than what happened in the 1986 bill when President Reagan aimed for a balanced package of tax changes. President Reagan raised not just \$78 billion worth of taxes, but wholeheartedly endorsed \$540 billion in tax increases. However, in fairness to him, on the other side of it he put \$540 billion in tax cuts. This was not billed as class warfare by anyone, and there was no social revolution.

As to top tax rates, we saw a situation where President Reagan talked about a 35-percent tax rate on anyone making over \$70,000. We are talking about a 36 percent tax rate on a family making over \$140,000.

No, we are talking about a sharing of the responsibilities of government in times that are very difficult. We are talking about deciding on a reasonable way to proceed in the face of the evidence that those making the most income have seen their net after-tax incomes go up as others have lost ground.

Capital gains? Yes, there is a difference in the capital gains proposals. Under our bill, two-thirds of the tax savings go to people making under \$100,000. Under the President's bill, two-thirds go to people making over \$200,000. I would call that a difference.

They talk about 80 percent of the people hit are small business? Well, you should know how they got to those numbers. It is incredible. They took the 1985 tax returns. They identified the number of taxpayers with a loss from farming, a subchapter S corporation, or a limited partnership. Whether that person was a banker, a doctor, or a lawyer, or other high income individual, he or she became a small business owner.

That is not representative. That is really stretching the numbers, particularly considering the rampant tax shelters at that time. It is the same type of accounting that we saw when they were talking about trying to take savings from the Pension Benefit Guarantee Corporation that were happening in the year 2000, and bring them back to count as \$19 billion savings that could be spent today. That kind of creative accounting just will not cut it, my friend.

In addition to that, the President's top priority package presented to us for action would increase the deficit by \$24 billion. In contrast, our legislation would reduce that deficit by \$13 billion

over 6 years. We are talking about sound tax legislation.

I reserve the remainder of my time.

Mr. DOLE. How much time is remaining on this side?

The PRESIDING OFFICER. The Republican leader is recognized. He has 3 minutes remaining.

Mr. DOLE. Mr. President, we have been listening very carefully and reviewing what we can of the Democratic tax increase package. I just listened to my friend from Texas.

Today is D-day for Congress. Today, the American people will find out if Congress can meet a simple deadline. Today our calendar comes up zero. And from the looks of it, Congress is coming up with a big goose egg, too.

Fifty three days ago, President Bush issued a reasonable challenge to Congress: Pass an economic growth package that does not bust the budget and does not raise taxes. That challenge sounds easy enough, although judging by all the trouble some Members have been having balancing their checkbooks, maybe it was too much to ask after all.

The truth is, for the past 53 days, when Congress could have been working with the President to get the job done, Democrats were working against him every step of the way.

For the past 53 days, instead of Surprising the American people with responsible action, Democrats have demonstrated once again that their only answer to every economic challenge is a tax increase. Now they may call it fairness, or a middle-class tax cut, but when working and earning America sees the Democrats' tax bill they'll call it something else—a disaster.

\$78 BILLION TAX HIKE

So it's time for some truth in advertising: Democrats can talk all they want about helping the middle class, but most Americans know better when they see a \$78 billion tax hike coming their way.

Democrats can talk all they want about socking it to the rich, but most Americans won't be fooled when they find out the Democrats have now killed one of the best features of President Bush's 7-point package—the \$5,000 tax credit for first-time home buyers. How is that fairness? Apparently, some Democrats believe that buying a new home should not be part of the American dream anymore, at least if you are in the middle class. Of course, the rich do not need incentives to buy a new house, but the middle class could sure use a \$5,000-tax break. But no, if you are in the middle class, the Democrats want you to stay put—do not move out, or move up.

I think, I would just like to underscore, again, very briefly, that we are talking about business men and women. When they find out that 80 percent of the Democrat's tax hike is about to break their backs, that about

80 percent of the revenue comes right out of the pockets of small business men and women, they are not going to like this bill too well.

There are a lot of small business men and women in the United States of America, in every State. They are the people out there trying to create jobs; trying to get the economy to grow. Now we are asked to take tax money from them and give it to somebody else, instead of creating jobs and opportunities for the middle class and everybody else in America.

These people out in the real world creating jobs, keeping the doors open, and keeping people off the unemployment lines. The Democrats say they are going after Wall Street, but what they're really doing is helping close down Main Street.

This bill is not about the middle class; it is about the ruling class. This is about the Democrats, who control the Congress. As my colleague from Texas said earlier, we are going to have a very short tax cut, but it is going to be a permanent tax increase. The tax cut is going to expire shortly after the election, but the tax increase is going to go on forever. This is the second tax increase in the past 2 years. It seems to me the American people are not demanding tax increases.

So I would say, Mr. President, when this bill started in the House, they were going to help 90 million Americans. Now it is down to 78 million Americans. Somewhere, we lost 12 million. I guess that must have been the middle class that dropped out.

Every time we look at a different package, and a different way they changed it, we find out this is nothing but a tax increase bill. They raise \$9 billion more in the conference than they had in the Senate bill. So I suggest it is class warfare. It is a big, big tax, self protection agenda. If I read the voters correctly in Illinois and Michigan—and watch the exit polls, where by a margin of more than 2 to 1—the voters in Michigan and Illinois said: "If it is a choice between a tax cut and stimulating the economy, we want to stimulate the economy." That was this week. That was Tuesday; 3 days ago.

So here we are, raising taxes—raising taxes. I think there are a lot of messages in those two States about incumbency. I did not get any great exit polls saying people like to have their taxes increased. Does anybody like to have their taxes increased?

ZERO

Now, the Democrats will tell you they have met the deadline. But the fact is, they never left the starting line. As the calendar hits zero, the American people know what Congress has really produced—zero. Zero growth, zero jobs, but lots of excuses, and even more taxes.

It is little wonder congressional approval ratings are hitting all time

lows—at this rate, they'll be pretty close to zero, too. Let's face it, zero is what the American people will have every right to call a Congress that has put taxes first and America last.

This is a zero package that arrived on the last day; the zero day, the zero package arrived. It is going to be approved by a zero Congress, but not by many on this side.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Texas.

Mr. BENTSEN. I yield to the Senate majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, for 12 years, Republican administrations have pursued an economic policy based on the principle that the way to improve American society is to reduce the tax burden on the very wealthiest of Americans. In that manner, we and the American people were told the benefits to the very wealthiest will trickle down to the rest of Americans and everyone will benefit if we will only devote all of our effort, all of our energy to reducing the tax burden on the very wealthiest of Americans.

Mr. President, the American people now know they have been trickled on long enough. The American people have been trickled on for 12 years.

I find it interesting that our Republican colleagues are suddenly against tax cuts when they are for the middle class, ridiculing the amount of the tax cut. But when our colleagues proposed to cut taxes for the very wealthiest, that was good for the country. When we proposed to cut taxes for middle-income Americans, they say that is bad for the country.

When our Republican colleagues want to cut taxes for the very wealthy, they say that is not class warfare. When Democrats want to cut taxes for middle-income Americans, they say that is class warfare.

Mr. President, why is it class warfare to want to cut taxes for middle-class Americans but not class warfare to want to cut taxes for the very wealthiest of Americans? Despite all of the gimmickry, all of the torturing of statistics, the fact is that this bill increases tax rates for the very wealthiest 1 percent of Americans; the wealthiest 1 percent of Americans.

It is for that 1 percent of Americans, the very wealthiest, that our colleagues are devoting so much energy, so much effort. And what about the other 99 percent of Americans? We say let us cut taxes for middle-income Americans for once. Just once let us have a pause in the supply-side economics of benefiting the very wealthy and let us help middle-income Americans. Middle-income Americans have been socked too long and too hard.

They need tax relief. This will give it to them.

Finally, Mr. President, I note the comments saying this bill will create unemployment. The bill accepts almost all of what the President proposed in the way of growth incentives. It then cuts taxes of the middle class. Are we now being told that if you cut taxes on the middle class, that causes unemployment? That is a new entry in Republican economic theory. It was bad enough when the theory was that the only way to help America is to help the very wealthiest of Americans. Now we get the corollary of that. Not only must we only help the highest income Americans, now we are told it is bad if we help middle-income Americans.

Mr. President, they have it wrong on both counts. This bill is fair; it produces jobs and it does not increase the deficit. The President's plan, as proposed, would increase the Federal budget deficit by \$24 billion.

Thirty minutes from now the President will engage in a campaign appearance to protest concern for the deficit. But we are told here we should accept the President's plan which, if adopted, would increase the deficit by \$24 billion. That is the major difference in these plans.

Senator BENTSEN's plan will not increase the deficit; the President's plan will increase the deficit by \$24 billion. Senator BENTSEN's plan cuts taxes to middle-class Americans; the President's plan does not. And Senator BENTSEN's plan pays for both by raising the top tax rate on the wealthiest 1 percent of Americans, the one group of Americans who least need the attention and devotion and effort that has been showered on them in this effort today by our colleagues.

I say let us not ignore the 99 percent for the benefit of the 1 percent. Let us pass this bill. It will create jobs. It will put fairness into the tax system, and it will not increase the deficit. That cannot be said about the alternative plan. I urge my colleagues to vote yes.

Mr. President, I ask for the yeas and nays.

Mr. BROWN. Mr. President, I ask unanimous consent for 2 additional minutes to respond to the distinguished majority leader.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BENTSEN. Mr. President, how much time do we have left on both sides?

The PRESIDING OFFICER. The Senator from Texas has 4 minutes remaining. All time has expired on the other side.

Mr. BENTSEN. I have no objection to 1 minute. I am prepared to yield back the remainder of our time.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. BROWN. Mr. President, men and women of good spirit will disagree about issues, and we understand that. I rise to make a point, though, that I think is important.

The tax acts in 1981 and later on in the decade of the 1980's did not cut the amount of taxes the wealthy in this country paid; they increased them and they increased them dramatically. They increased not only the amount they paid, but they increased significantly the portion they paid.

Mr. President, as one in this Chamber who is not a millionaire, I must say I find the inaccuracies in describing those tax acts disturbing because they concern me with regard to the way our tax policy is meant. While Americans are not millionaires, we ought to have a country that is dedicated to letting Americans have a chance to do well.

That is what I think is wrong with this act, the attitude that there is something to be ashamed of if someone works hard and saves and prepares for their future. Americans ought to be focused on making that possible, not impossible.

The PRESIDING OFFICER. All time has expired.

Mr. BENTSEN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the conference report to H.R. 4210, the Economic Growth and Tax Relief Act. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.
Mr. INOUE (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from New Jersey [Mr. BRADLEY]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "aye." I withdraw my vote.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Illinois [Mr. DIXON], and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

On this vote, the Senator from Hawaii [Mr. INOUE] is paired with the Senator from New Jersey [Mr. BRADLEY]. If present and voting, the Senator from New Jersey would vote "nay" and the Senator from Hawaii would vote "aye."

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. GARN] and the Senator from Wyoming [Mr. WALLOP] would each vote "nay."

The PRESIDING OFFICER. Are there any Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 44, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—50

Adams	Exon	Mitchell
Akaka	Ford	Moynihan
Baucus	Fowler	Nunn
Bentsen	Glenn	Pell
Biden	Gore	Pryor
Bingaman	Graham	Reld
Boren	Harkin	Riegle
Breaux	Johnston	Robb
Bryan	Kennedy	Rockefeller
Bumpers	Kerry	Sanford
Burdick	Kohl	Sarbanes
Byrd	Lautenberg	Sasser
Conrad	Leahy	Simon
Cranston	Levin	Wellstone
Daschle	Lieberman	Wirth
DeConcini	Metzenbaum	Wofford
Dodd	Mikulski	

NAYS—44

Bond	Grassley	Nickles
Brown	Hatch	Packwood
Burns	Hatfield	Pressler
Chafee	Hefflin	Roth
Coats	Helms	Rudman
Cochran	Hollings	Seymour
Cohen	Jeffords	Shelby
Craig	Kassebaum	Simpson
D'Amato	Kasten	Smith
Danforth	Lott	Specter
Dole	Lugar	Stevens
Domenici	Mack	Symms
Durenberger	McCaIn	Thurmond
Gorton	McConnell	Warner
Gramm	Murkowski	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Inouye, for

NOT VOTING—5

Bradley	Garn	Wallop
Dixon	Kerrey	

So the conference report was agreed to.

Mr. BENTSEN. Mr. President, I moved to reconsider the vote by which the conference report was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL addressed the Chair.
The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, there will be no further rollcall votes today. The Senate will not be in session on Monday. There will be no votes prior to 2:30 p.m. on Tuesday.

I have discussed with the distinguished Republican leader the schedule for next week. There are a number of measures which may be considered and which Senators should be prepared to consider should they arise. I will later today be identifying them, and placing a statement in the RECORD. I want to review the list again with the distinguished Republican leader before doing so.

So Senators will check the CONGRESSIONAL RECORD for today. There will be listed a nonexclusive number of measures which may be considered next week.

I repeat: No session on Monday; no votes prior to 2:30 p.m. on Tuesday; and we will be making a further announcement later this afternoon.

Mr. DOLE. Is it the intention of the leadership to have this bill delivered to the White House today?

Mr. MITCHELL. It is my hope that can be done.

Mr. DOLE. It is going to be hand enrolled, as I understand. So it should not take long.

Mr. MITCHELL. That is correct. I am not able to state to the Senator precisely how long it will take, but I hope that it will be soon.

Mr. DOLE. I know the President would like to veto it as quickly as possible.

[Disturbance in the Visitors' Galleries.]

The PRESIDING OFFICER (Mr. CONRAD). Order in the Chamber. Order in the galleries, or the galleries will be cleared.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

THE TAX BILL

Mr. DOMENICI. Mr. President, I rise to make a few additional remarks about the bill that the Senate just passed, which will be vetoed by the President shortly.

First, let me comment on a few of the differences in the bill that I think are pretty important.

First, this new 36-percent rate, you have to add some things to that to get the whole picture. While it has been touted as a new bracket at 36 percent, you have to add two other things: the PEZ and the PEP.

While this sounds like I am just making fun here, those are acronyms for certain aspects of the Tax Code. When you add those two, the rise in rates goes to 40.8 percent, almost 41, on the very entrepreneurs and business people that provide the jobs for the middle class that allegedly are getting a tax break which has been described to be about 21 cents a day, at least for the first couple of years.

So the truth of the matter is that the middle class suffers because the less

money there is to invest, the fewer the jobs that will be created, the fewer raises, and the fewer success stories. The newer definition in this bill of the rich—and that has been changed also—will affect three times as many people today as last week.

So, in just a week, we have added three times as many Americans to a definition of "rich." Last week, the definition was people earning over \$175,000. Today, the threshold has been lowered to joint returns earning \$140,000 or more, and that means we have just effectively added three times as many Americans to the definition, to be taxed more because they are rich.

Under the old definition, 89 percent of the tax increase was going to be paid by people with small business income, and I thought maybe that would change with the changed definitions. But we understand the change is so nominal, it is probably 90. So we can say that one is probably about the same.

So, in the short term, it really does not do much up front for the middle class.

Let me give you another example. A working mother who is the head of a household starts to lose eligibility for the much touted middle-class tax credit, once her income reaches \$35,000. That was not discussed much here either. So even that little tiny tax cut starts to phase out at \$35,000 under the bill that just passed today by a slim margin, but will not see the light of day because it will be vetoed.

So, in conclusion, obviously, if we wanted a jobs bill, we got a tax bill. If we wanted an economic stimulus package, we left the stimulus out and put on a tax.

For the past 3 days, I have given the Senate examples of New Mexico business people that have told us with specificity how this tax will cause them to produce less jobs, to grow less, to prosper less. I want to add one to it today. I will not give the Senate the entire factual pattern.

I have a different approach today, because some people have tried to call this tax bill an economic growth bill. After talking to a business couple in Albuquerque, I am led to conclude that the bill reminds me more of a game of musical chairs. For every winner, another player loses his seat. What our country really needs is more chairs.

Let me explain. There is a restaurant in Albuquerque that I am familiar with and which I go to sometime when I am there. It is owned by a minority woman, and it is a minority business. It first opened its doors in 1959. It serves exquisite hot green chile. The restaurant provides a livelihood not only for her, but her husband's income, her employees, and they have some other family members on that ledger, and they—the husband, wife—combine all of their income from the business.

This business and the New Mexicans that work there would be in a very bad way if this bill passed and became law.

Around 1983, the business expanded. Now a daughter runs a side business called a family tortilla factory. The 2 businesses hire 15 people. They file individual returns based on their family partnership. And so with this tax bill as our guide, these folks are rich. This fact, I might add, puzzles the owners very much. They leave much of their profits in this business. We tax their profits and, yet, we expect them to produce more jobs and help us sustain the economic recovery that is budding today in the United States.

It is obvious that I can go on and give you the background of this hard-working family. But suffice it to say, we missed one point in discussing small businesses, as we talked about the fact that if they made money, they filed as individuals for their income taxes, and they left much in their business to grow but got taxed on it.

We have one other thing. Many of these small business people, as in the case of this couple and their daughter, they do not work regular shifts to make this business go.

In fact, this family says it is not extraordinary for them to work 70 hours a week. They own the business. They do not pay themselves overtime. But, you see, what they make for overtime is in that profit that is in the business that they leave there so they can buy a piece of equipment and hire someone or raise their pay. And we are going to say: Well, to help you with jobs, we are going to take 16 percent more taxes out of your business.

It seems to me that we do not quite understand when we do that the dynamics of growth and the dynamics of small business people who want to succeed, and truly will bring us not only out of this recession, but into a successful culmination of it in sustained growth. We do not have to thwart that by taking another swipe of a minimum of 16 percent additional taxes from them.

And if they are subject to the two other provisions that I described, the PEP and the PEZ part of our law, then they will be hit at almost 41 percent instead of 31, which changes it to around a 20-percent increase instead of 16.

ECONOMIC GROWTH MEANS MORE JOBS, NOT MORE TAXES PART IV

What the Finance Committee calls an economic growth bill reminds me more of a game of musical chairs, for every winner another player loses his seat.

What our country really needs, is more chairs. Let me explain.

There is a restaurant that I like to have lunch at when I am back in New Mexico. It is a woman owned, minority business that first opened its doors in 1959. This place has the hottest green chile in town.

The restaurant provides a livelihood not only for her, combined with her husband's income, but for her employees, as well. However this business and the New Mexicans that work there would be in a very bad way if the tax bill passed by the Congress were to become law.

Around 1983, the business expanded and now a daughter runs the family tortilla factory. Combined, the 2 businesses hire about 15 people. These two entities file on the same tax return, and with the tax bill as our guide, these folks are rich. This fact, I might add, the owner is puzzled to discover.

She says, "The people that would call us rich don't understand that my family is here working in the restaurant and factory seven days a week." Her expense logs attest to this fact, because to stay open on Sunday, their business has to pay an extra \$100.

Running a restaurant and tortilla factory is a lot of tough work. I challenge any of my colleagues who support this tax bill to trade places with her for a day. I assure you this is not the life of leisure we envision the rich to enjoy.

Any retained earnings go right back into the business. This is their working capital. This is the capital that enabled her business to grow from just a restaurant to a restaurant and tortilla factory.

The business also owns three catering trucks and a station wagon. Although, I am told that lately people aren't ordering catering so much. Rather, noontime carryout orders are becoming popular.

You see her business is located in the heart of the Albuquerque metropolis and, she says, "at lunch the bankers and the business people like send an order over for 30 or 40 burritos."

Her expenses are largely government-related. The list seems endless, including: Federal, State, and local taxes; registration and house inspection fees; fees for mobile catering facilities; licensing fees; liability insurance for workmens' compensation; product liability insurance; insurance for catering at city events; and of course the extra \$100 for being open on Sundays.

In the last several years, business has not been as good as it used to be. She had to let a couple of employees go at the restaurant recently, but then her daughter created a new job at the factory, so all and all employment is fairly stable.

New tax burdens would agitate this delicate balance quickly, though. What the tax bill would mean to her, is that every new dollar earned would only be worth 84 cents. This is a steep cut into an already cinched budget.

Over the last several years the sour economy has caused a dip in sales. It hurt the business. Fixed expenses were rising during a period of economic stagnation.

However, finding her business in the red for the first time, several years ago, the family pooled resources, and has kept the business growing. They anticipate a bright future; one that will enable the business to grow; one that will provide for the four children who may carry on the family trade.

This is the future that the tax bill threatens.

She is optimistic about the economy, though. Her start-of-year sales are higher than usual. So far this year; tortilla sales are up. She and her daughter are off to a really good start.

The restaurant and tortilla factory is a small operation. It is a typical America's small business that has steadily provided our Nation's growth, and jobs. The so-called soak-it-to-the-rich tax bill, though, is going to impair these businesses' ability to recover from the recession; much less enable them to employ new workers.

These businesses are run by middle-class Americans, they provide jobs to middle-class Americans, and these business people are telling us that the so-called economic growth bill is no economic growth bill.

We are hearing that the best medicine for healing the economy is to let the job creators do what they do best; let them accumulate capital; expand business; take risk; and reinvest in human resources.

This is the American job creating machine; a capitalistic machine that requires capital.

The Congress-passed tax bill will disable our economic system by syphoning away the working capital of American business.

To call this bill an economic growth bill is a misnomer. The increased taxes on the rich, and the millionaire surtax, used to pay for this bill are a misnomer.

This bill does not pay for itself by increasing taxes on the rich. This bill costs jobs; 90 percent of business tax income is filed on individual returns. These are the folks that will pay for the middle-class tax break.

The IRS says that 89 percent of the people that will pay for the tax increase are people that earn small business income.

These are the job creating individuals that will pay the Democrats' tax. And this tax liability will not come out of someone's deep pockets, as some would lead you to believe, it will come from reduced payrolls.

Mr. President, I want to talk about one other matter that I think will begin to be talked about as part of the deficit that we find ourselves in. I am pleased that I find the occupant of the chair today, because I am sure that he is wondering today, as he looks back on his 5 years, about that deficit that keeps growing while we keep trying and we keep producing budget resolutions that say things are not going to

grow very much, and then the budget deficit goes up and up.

There are a number of very individual nonrecurring events that have contributed to it. Let us set those aside quickly. A recession always does. And also the S&L debacle, the RTC and the bailout, and having to pay off all of those investors who had savings accounts up to \$100,000 added a big chunk. That is kind of in and out over 3 or 4 years. So let us leave those two aside.

What is it that we must do if we are going to leave our children and our grandchildren anything at all in terms of expectation of success, opportunity to succeed, a good standard of living? In other words, what do we have to do to save our children? I will tell you what I think it is. We have to find a way to put a cap on the entitlement programs of the United States exclusive of Social Security, which has a payment program. And so long as we tax our people for it, we ought to leave it alone and let it run as it should.

The remainder of the entitlement programs of our country are headed by two medical delivery systems, Medicare and Medicaid, and a myriad of other programs that are entitlements, that in our budget are called mandatory, meaning year by year, you do not do anything about them because they spend automatically.

You know, Mr. President, the more I look at the makeup of our budget, I repeat once again that our people should really tell everyone running for office in the United States that they do not like an American budget where 66 percent of the annual expenditures spend with Congress having nothing whatsoever to say about them. We wake up. We call the Congress into session on the first day of a year. If we did nothing during the year, at the end of the year, those programs and that interest would spend out automatically, and it is now 66 percent of the budget.

In that 66 percent is Social Security, which we should exempt from the criticism here today, at least in my opinion. And obviously we have to pay interest. But, Mr. President, the remainder of the entitlement programs cannot continue to grow as they have. We cannot continue to come before the Senate and then go before the people of this country and say: Well, they are just automatically growing. We have to turn that around and say: Well, we are going to automatically make them stop growing. And we are going to do that in some way, by a cap, a formula of some type that is realistic, that says that is all this program will grow.

And those who have designed the programs in the past, in our committees and in our Congress, are going to have to be given a reasonable amount of time to fix the program so it hits the cap.

Now, Mr. President, it sounds simple. It is tough. Most success comes from

simple approaches, but most simple approaches have some very difficult and onerous things that have to take place.

I believe today, if I understand correctly—and I have not seen it—that the President is going to announce a list of appropriated items that he believes should be rescinded, items that he does not think we need that are appropriated by the Congress. They are sometimes called pork. Sometimes many of us do not think they are, but the President might. He is going to say: Let us cancel a number of those.

He is entitled to do that. We ought to review the list, and it probably includes something from my State. We ought to look at it; maybe he is right. Maybe after the review, we will agree with him. But he is also going to say in his statement—and it is probably not going to catch the attention of very many—he is also going to say, if I understand correctly, that the real big budget buster is the failure to control entitlements. And he is going to ask and suggest that the entitlements be capped by some formula that is reasonable, that will stop the inordinant growth beyond that which we can pay.

Let me suggest for those who are listening, it is very, very simple. You can pay for those by imposing another tax on America, and I will next week tell the Senate how much we would have to tax Americans over the next decade to let those entitlements continue to grow and find some group of Americans that we make pay for them. Today, somebody thought we could pay for a tax break of maybe 20 or 30 cents a day for one group of Americans by taxing another group of Americans.

Mr. President, the entitlements are not being paid for by anyone except our children—except our children. Because the mortgage is getting bigger and bigger, and we are detracting and detracting from what they, our children and our grandchildren, have a right to expect from America: That they have a chance to succeed. And frankly, I believe they expect to have a slightly better life than we have had, materially speaking, on average. That is the way it has been for all of America's history. We are about to say that time has past, if it has not already.

We continue mortgaging this future by saying: Well, we just cannot find a way to get those entitlements under control. Medicaid—Medicaid only grew 30 percent at the Federal level last year. Not 3; 30. You cannot have a \$70 or \$80 billion program growing at 30 percent a year, and keep on doing that. It would soon use up every bit of income taxes we pay in. In fact, it would be an interesting calculation. Probably in 8 or 9 years, you would use the entire income tax for one program. It cannot be.

So one way to do it is to tax the people to pay for it. But if you tax the people as much as that equation demands,

you will destroy growth. We were debating today's jobs machine in America. It essentially is small business. It is the machine. It is the one that creates the job.

You put the kind of tax on small business men and women that is required to pay for those entitlements that are growing at the astronomical rate, that we all know about, that we will describe in detail next week, and there would be no one interested in having a business. If you take 60 to 70 percent of their profits, they will quit. So I do not think that approach has any chance that we will pay for them with more taxes.

So it seems to me the other thing you would like to look at is, well, will America not grow every year and will we not get more taxes in every year because we grow? Well, let me say, Mr. President, we better hope we do and we better hope the revenue take goes up because we already planned for that. We better have that. But even with it, if it grows at a pretty sustained rate, we cannot pay for the entitlements. They will continue—that is, the entitlements as I have defined them here today as a package—they will still grow so fast that we cannot anticipate sufficient economic prosperity and growth and increased revenues to take care of them.

So, I submit, if getting this inordinate runaway deficit under control, if that is what we must do to save prosperity and opportunity and the standard of living for our children, then we do not have any alternative. We have to find a way to control the runaway cost of that big package of entitlements led by the inordinate growth of Medicaid.

And is it not interesting that while that is occurring, we have entered into an election year debate on a health program for the country? In other words, we are saying we need more health coverage, we need to give more people more health coverage. Well, we surely better be figuring out a way to deliver the health care cheaper or, if we are going to add to it, I will give you my best estimate, we will add a net of about 15 percent to every program we have in health care, maybe 20. And the private sector will have to go up about that much or more for the new coverage. Where are we going to get that money? That is on top of what we are describing.

So I am not going to take the temptation and talk about how big the imposition of the cost of health care is on America and America's future and America's competitiveness. It is enormous. The cost of health care that is in every American product today, from cars to paper, is enormous compared to those that are competing with us in the world market. They have health care, and their workers have health care, and it goes into the car they

produce and the paper they produce, but none have as much added health care as we do. We have to start that one somehow. But, surely, we have to find a way to say we can only spend that much.

So I chose today to say that while we will be talking about the rescission, that is, the President will be asking that we take a look at maybe 70 individual items, I think it is probably \$1 billion, I say, Mr. President, that is the sum total that he is asking us to look at that he wants to cancel—and we should. And he is right in calling it to our attention. He is not right in each item, every item.

But the President is distinct from us. He looks at it differently than I look at my State and my projects. But that is about \$1 billion. Maybe he will follow it with another \$1 or \$2 billion.

But, Mr. President the entitlement programs that we are talking about are about \$450 billion. That is the issue. And if they are growing, all of them together, at more than two times inflation, we just will not be able to afford them if we expect to have anything left for our children of the Federal resources we collect to try to do things for the country that Government must do. There will probably be little, if any, of that.

So I chose this day to start this discussion. Hopefully, it will move on and be a fruitful debate in the weeks to come. I hope the budget process brings that debate up. Maybe it is not thought by some as being the proper subject for this year. The Senator from New Mexico thinks it is. And if we talk about budgets, we ought to start talking about the real part of budgets and not saying that the process does not permit us to control them. Let us change the process so we will control them.

I assume the leadership wants to keep the floor open. So with that, I yield the floor.

TRIBUTE TO THE LATE DR. CONNIE LEE OF ROCK HILL, SC

Mr. THURMOND. Mr. President, I rise today to pay tribute to an outstanding daughter of South Carolina, Dr. Connie Lee, who passed away last week. Dr. Lee was a woman of character, courage, and compassion and a great lady, and she will be deeply missed.

Connie Lee was a well-known educator in our State, having taught for a number of years at both York Technical College and Winthrop College in Rock Hill. She also served ably as an administrator at Winthrop. Her intelligence, warm personality and delightful sense of humor made her popular with students and faculty alike at both of these institutions.

Dr. Lee was also a recognized advocate for women in the military, serving with distinction on the U.S. Defense

Advisory Committee on Women in the Services. The same qualities which made her such a fine teacher made her an equally effective spokeswoman for our Nation's military women.

In addition, Dr. Lee was a successful businesswoman, and was very active in the community. She was a member of the Rock Hill Chamber of Commerce, the American Association of University Women, the South Carolina Technical Education Association, Phi Delta Kappa, and the Daughters of the American Revolution, among other organizations.

Connie Lee was a remarkable individual in many ways. She married at a very young age and had four children before completing her education and embarking on her teaching career. It could not have been easy going back to school as a mature student with a family, but she finished a history degree at the University of North Carolina at Charlotte and went on to earn a master's degree from Winthrop College and a doctorate from the University of South Carolina.

Mr. President, Connie Lee was a woman of great talent and energy, a loving mother, a loyal and devoted friend, and a committed citizen. Her death represents a great loss not only to her family and friends, but to our State. However, she will live on in the memories of all those she taught and helped along her way.

I would like to take this opportunity to extend my deepest condolences to Dr. Lee's daughter, Marion Wilson; her three sons, Rick Lee, Tom Lee, and David Lee; and the rest of her family. I request unanimous consent that an article from the Rock Hill Herald be inserted in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Rock Hill (SC) Herald, Mar. 14, 1992]

NOTED EDUCATOR CONNIE LEE DIES
(By Jennifer Becknell)

Connie Lee, known to York County students and colleagues as a caring educator and a prominent national advocate for women in the military, died Friday at her home in Rock Hill. She was 61.

Lee, who has been battling cancer, held a variety of positions at Winthrop College. She retired in December 1990 from her most recent job teaching history at York Technical College.

"I wrote her recently that the magic and charm of Connie Lee is obvious any time I talk to anyone who knew her. They light up. She was one of a kind," said Lt. Col. M.C. Pruitt, director of the U.S. Defense Advisory Committee on Women in the Services.

Lee served on the committee for four years, and chaired it for a year before leaving it in 1989. As chair, she was principal adviser to the defense secretary on issues affecting military women.

Lee, a Charlotte native, married at age 18 and had four children before beginning her career in education. She divorced after earn-

ing her bachelor's degree from the University of North Carolina at Charlotte.

She worked as a graduate assistant in education at Winthrop, where she earned a master's degree, and she earned a doctorate from the University of South Carolina.

At Winthrop, she taught and held a range of administrative positions, from director of admissions to vice president for development, before she left for York Tech in 1982.

"She was one of the ablest administrators Winthrop ever had," said Mary T. Littlejohn, a former Winthrop vice president and a friend of Lee. "She was a great loss to the college."

Former Winthrop President Charles Davis said Lee "was well thought of by the faculty and administration, and she will be remembered for all the good she did at Winthrop."

Fred Heath, a Winthrop history professor, said Lee "told me after she went to York Tech that she was doing what she really wanted to do, and that was to teach."

She was recognized for both her teaching and her contributions to the military committee.

"You have to be especially noteworthy" for such an honor, said Pruitt, who said Lee was the most important mentor in her life. "There's no one I consider better to emulate than Connie Lee."

Lee was an advocate for the role of women in the military. She believed women should be allowed in combat if they are capable, but they are limited by a combat exclusion law.

She also was a member of the Daughters of the American Revolution, Colonial Dames, the American Association of University Women and Phi Beta Kappa. She served on the Commission of Women and the Rock Hill Zoning Board of Appeals.

Lee was diagnosed with lung cancer in December 1990, but was in remission last year after treatment. She was hospitalized in January at Duke University Medical Center for about a month.

She was paralyzed from the waist down by tumors, and was moved to the Charlotte Rehabilitation Center last month before returning home on Tuesday, said Fran Hamilton, who shared a home with Lee at 1537 Clarendon Place in Rock Hill.

Other survivors are a daughter, Marion Wilson of Rock Hill; three sons, Rick Lee, Tom Lee and David Lee, all of Rock Hill; a sister, Martha Lee of Wisconsin; and 11 grandchildren.

A memorial service will be held at 11 a.m. Monday at the Episcopal Church of Our Saviour with the Rev. Blaney Pridgen officiating. Burial will be in Forest Hills Cemetery.

The family will receive friends from 6 to 8 p.m. Sunday at Bass Funeral Home in Rock Hill, and other times at the home.

Memorials may be made to York Technical College in memory of Dr. Connie Lee, 452 S. Anderson Road, Rock Hill, S.C. 29730.

Last year, she was named as Technical Educator of the Year. She received York Tech's 1990 President's Award for outstanding teacher of the year, and was runner-up for Governor's award for Professor of the Year. Winthrop history professor Jason Silverman won the award.

In 1989, Lee was awarded the highly distinguished Medal for Outstanding Public Service from Defense Secretary Dick Cheney for her contributions.

COMMEMORATION OF NATIONAL
AGRICULTURE DAY: NEW USES
FOR AGRICULTURAL COMMOD-
ITIES

Mr. DASCHLE. Mr. President, Congress has made an annual practice of

setting aside 1 day in early spring to recognize the achievements and contributions of our Nation's agricultural producers. This year, March 20 has been designated as National Agriculture Day.

Like any other commemorative date, National Agriculture Day passes largely unnoticed. The ease with which National Agriculture Day is overlooked is symptomatic of the diminishing recognition we give to agriculture in general in this country. The availability of an inexpensive, plentiful food supply is too often taken completely for granted. I must tell you, Mr. President, that the complacency on the part of the American public in regard to food production causes me a great deal of concern, because when we become complacent about a critical part of our economy, it becomes very easy to ignore problems that could easily sap its vitality.

Agricultural producers and the rural communities they support are facing a wide array of difficulties that are slowly robbing rural America of its youth and prosperity. Years of low commodity prices, tight credit, and unfair trading practices on the part of our competitors have made it nearly impossible for young people to get into the business of farming. We have now reached the point where over half of the farming assets in the country are owned by people who will retire in the next 10 years. The profitability of agriculture has slipped to levels that make it nearly impossible for young people to get into the business.

We must recognize the decay that is taking place in agriculture and take steps to halt it. There are a lot of things that Congress can do to help, but I believe that the most effective long-term policy we can follow is to promote the increased consumption of agricultural commodities. This can be done through aggressive overseas market development, expanded nutrition programs for the needy here at home, and finally, and potentially most important, promotion of the development of new nonfood uses for agricultural commodities.

It is on this topic, the development of new nonfood uses, that I would like to devote the balance of my remarks. Industrial uses of new and traditional crops have many potential benefits to rural communities and the country as a whole. New uses of agricultural crops will provide new economic opportunities through increased farm income, increased employment, and enhanced U.S. competitiveness in international markets. In addition, there is the promise of improvement in the U.S. balance of trade, and a reduction in farm program costs. New agriculturally based products such as biodegradable plastics made from starch, biodiesel fuels, and vegetable-based industrial oils can address environmental concerns and reduce the use of non-renewable raw materials.

U.S. researchers and companies have been making great strides in developing new products; however, the benefits of new technologies are only realized when new products successfully move through the many stages of development from the laboratory to commercial availability. Historically, the weak link in the chain of technology policy in the United States has been the adoption of new technologies for commercial use. Part of the problem has been that the Federal Government has been unwilling to assist researchers and businesses at critical stages in the development of new products.

Numerous entrepreneurs around the country are on the verge of bringing new products into production. In a recent hearing I held before the Subcommittee on Agricultural Research witnesses testified about a wide variety of promising new products including biodiesel fuels, vegetable oil lubricants, natural fiber insulation, water soluble plastics and others. But while the witnesses were optimistic about the prospects for expanded use of agricultural products, they all agreed that without more active participation on the part of the government, many promising new products would never see the light of day.

USDA has helped commercialization efforts somewhat, but in the past its activities have lacked direction and foresight. Research priorities are so lopsided at USDA that at least ten times more money is being spent on research that encourages production than on consumption-oriented research. Secretary Madigan is making an effort to place more emphasis on the development of alternative products, but he is faced with the daunting task of moving a bureaucracy that is notoriously resistant to change.

The history of intransigence and resistance to change within USDA prompted Congress to establish the Alternative Agricultural Research and Commercialization Board, commonly known as AARC, in the 1990 farm bill. This Board, functioning in coordination with USDA, will have authority to identify promising new technologies and promote their development through loans and other assistance as part of the effort to move new products out of the research laboratory and into the marketplace. Without assistance from the AARC Board, many technologies that could be commercially successful will die a quiet and unproductive death.

Congress will consider funding proposals of \$10 million for the AARC Board in the Agriculture appropriations bill as well as an additional \$20 million in the Rural Jobs and Investment Act, which was introduced earlier this year by Senator LEAHY. I strongly urge the support of my colleagues for both of these funding proposals. While we are talking about spending a mere

few million dollars on product development, our main competitor in agriculture, the European Community, is actually spending between \$150 and \$300 million annually on efforts to commercialize new industrial uses of agricultural commodities. If Congress fails to provide funding for AARC, competitors such as the European Community will establish themselves as the dominant force in this promising growth area. Neither American agriculture, nor the American economy, can afford to pass up yet another opportunity for industrial development.

In closing, Mr. President, I would like to remind my colleagues that the future of American agriculture cannot be taken for granted. We need to find solutions to the problems facing the industry if it is to maintain its vitality. One of the many ways we can do that is to promote increased consumption of surpluses by developing new uses for agricultural commodities. Congress simply must dedicate resources to these efforts if they are to succeed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:57 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4210) to amend the Internal Revenue Code 1986 to provide incentives for increased economic growth and to provide tax relief for families.

The message also announced that House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3209. An act to amend title 5, United States Code, to ensure that the level of compensation for a Federal employee ordered to military duty during the Persian Gulf con-

flict is not less than the level of civilian pay last received; to allow Federal employees to make up any Thrift Savings contributions forgone during military service; to preserve the recertification rights of senior executives ordered to military duty; and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 293. A concurrent resolution congratulating the government and people of Venezuela on their demonstrated commitment to a broad-based and enduring democracy, and commending the formation of a cabinet of national unity.

MEASURES REFERRED

The following bill was read the first and second time, and referred as indicated:

H.R. 3209. An act to amend title 5, United States Code, to ensure that the level of compensation for a Federal employee ordered to military duty during the Persian Gulf conflict is not less than the level of civilian pay last received; to allow Federal employees to make up any Thrift Savings contributions forgone during military service; to preserve the recertification rights of senior executives ordered to military duty; and for other purposes; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 293. A concurrent resolution congratulating the government and people of Venezuela on their demonstrated commitment to a broad-based and enduring democracy, and commending the formation of a cabinet of national unity; to the Committee on Foreign Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-295. A resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

"HOUSE RESOLUTION NO. 266

"Whereas, Congress has designated Steamtown USA in Scranton, Pennsylvania, as a National Historic Site; and

"Whereas, The Steamtown National Historic Site has been designated an official project of the National Park Service because it is the ideal location in which to depict the story of the role of railroading in the industrial development of this country; and

"Whereas, Designation of the Steamtown USA property as a National Historic Site and as an official project of the National Park Service has led to the development of a Lackawanna Valley Heritage Park Plan, supported by the resources of the Federal, State, county and local governments, with the Steamtown National Historical Site as the keystone; and

"Whereas, Development of the Steamtown National Historic Site has encouraged the current development of the adjacent Lackawanna Avenue Mall project, the largest commercial development project in the history of Scranton and the current largest commer-

cial development project in this Commonwealth; and

"Whereas, Development of the Steamtown National Historic Site has resulted in the continued economic and commercial development of the adjacent downtown section of the City of Scranton; and

"Whereas, The Steamtown National Historic Site, still under construction, attracted 100,000 visitors last season and is expected to attract between 300,000 and 400,000 tourists annually; it represents the cornerstone of a major vacation and tourist industry initiative launched by private business and the County of Lackawanna; and

"Whereas, The Steamtown National Historic Site is the keystone in the heritage park concept, standing alongside Scranton Iron Furnaces, the Museum of Anthracite Mining and the Pennsylvania Anthracite Heritage Museum; and

"Whereas, Seventy-five percent of the engineering work for the Steamtown National Historic Site has been performed, and 60% of the total project has been completed; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize Congress to fund development of the Steamtown National Historic Site Project of the National Park Service in the amount of the original allocation, \$73 million, and to reject attempts to limit Federal participation in, and the scope of, the project; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress, to the Honorable Bruce F. Vento, chairman of the National Parks and Public Lands Subcommittee of the Interior and Insular Affairs Committee and to each member of Congress from Pennsylvania."

POM-296. A concurrent resolution adopted by the Legislature of the State of Florida, to the Committee on Armed Services:

"HOUSE MEMORIAL NO. 1819

"Whereas, men and women of the Armed Forces who have sacrificed for America should receive compensation for their injuries as well as retirement benefits for their total military service, and

"Whereas, many military retirees who have served 20 or more years on active duty and have incurred service-connected disabilities receive minimal or no retirement pay for such service, and

"Whereas, military retirees must forfeit an equal amount of their military retirement pay to offset their entitled disability compensation, and

"Whereas, Senator Bob Graham and Congressman Michael Bilirakis have consistently sponsored legislation to permit retired members of the Armed Forces with service-connected disabilities to receive full military retirement pay concurrently with disability compensation, and

"Whereas, Senate Resolution 1381 and House Resolution 3164 will correct this long overdue injustice of denying earned retirement benefits to military retirees disabled during their service, and

"Whereas, now more than ever, the nation must prove to these brave men and women that America will take care of its veterans in their time of need, Now, therefore,

Be It Resolved by the Legislature of the State of Florida: That the 102nd Congress grant a hearing on Senate Resolution 1381 or House Resolution 3164 before the Armed Services Subcommittee on Manpower and Personnel, and that Subcommittee Chairman, Senator John Glenn, review the fiscal soundness of such proposal and identify a recurring revenue source.

Be it further resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress. Filed in Office of the Secretary of State February 17, 1992."

POM-297. A resolution adopted by the Catholic War Veterans favoring the continuation of a strong national defense; to the Committee on Armed Services.

POM-298. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Banking, Housing and Urban Affairs.

"ASSEMBLY RESOLUTION NO. 189

"Whereas, Lead toxicity is the most common and preventable environmental disease in children in the United States; and

"Whereas, Scientists and physicians have long known that lead toxicity causes permanent neurological damage in children, and recent studies show that even low blood-lead levels during childhood, when no symptoms are exhibited, can cause permanent damage to the central nervous system, result in lowered intelligence test scores, learning disabilities, reduced speech and language processing skills, and can contribute to increased school absenteeism and drop-out rates; and

"Whereas, At least 65 percent of New Jersey's housing stock may contain lead-based paint, representing a potential public health hazard of alarming magnitude; and

"Whereas, Congress has mandated that the United States Department of Housing and Urban Development eliminate the hazards of lead-based paint in dwelling units in public housing facilities, indicating that lead toxicity among children has been, and continues to be, a serious public health problem; and

"Whereas, The removal of lead-based paint in a manner that does not create toxic fumes and dust residue, which would further endanger the health and safety of the residents of the contaminated dwelling, is difficult and expensive; and

"Whereas, It is imperative that lead-based paint abatement and removal programs for contaminated residences be one of the Department of Housing and Urban Development's highest priorities, that childhood exposure to lead in paint be reduced, that funds be devoted to those ends to finance abatement projects to the maximum extent possible, and that the abatement and removal of lead-based paint be required as a condition of eligibility for federally assisted rehabilitation programs: Now, therefore,

Be it resolved by the General Assembly of the State of New Jersey:

"1. The President and the United States Congress are respectfully memorialized to enact legislation, and the Federal Department of Housing and Urban Development is respectfully memorialized to adopt regulations that would place the abatement of lead-based paint in housing as their highest priority, to reduce the hazard of lead toxicity by providing financial assistance to State and local governments for lead abatement projects, and to condition eligibility for federal financial assistance for housing construction and rehabilitation programs upon the agreement to abate lead-based paint.

"2. Duly authenticated copies of this resolution, signed by the Speaker and attested by the Clerk, shall be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives,

the majority leader of the United States Senate, the minority leader of the United States Senate, the majority and minority leaders of the United States House of Representatives, every member of Congress elected from this State, the Secretary of the Department of Housing and Urban Development, the Commissioner of the New Jersey Department of Environmental Protection, the Commissioner of the New Jersey Department of Health, and the Commissioner of the New Jersey Department of Community Affairs."

POM-299. A resolution adopted by the House of Representatives of the State of Florida; to the Committee on Banking, Housing, and Urban Affairs.

"HOUSE MEMORIAL NO. 53

"Whereas, the National Housing Act was enacted to provide protection and guarantees to homeowners, and

"Whereas, Section 518(a) of the National Housing Act provides financial assistance to homeowners of federally insured properties that have structural defects, and

"Whereas, the homeowners in Seville Place in Dade County are the owners of homes in which the construction design does not meet the standards to withstand hurricane forces, and

"Whereas, the provisions of Section 518(a) do not apply to condominiums, and

"Whereas, Senate Bill 1878 will correct this omission and will enable condominium homeowners to receive the same insurance guarantees as single family homeowners of federally insured mortgages: Now, therefore,

Be It Resolved by the Legislature of the State of Florida: That the Congress of the United States is requested to adopt Senate Bill 1878 or similar legislation to amend Section 518(a) of the National Housing Act to provide financial assistance to condominium owners of federally insured properties that have structural deficiencies.

Be it further resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-300. A resolution adopted by the Catholic War Veterans favoring the enforcement of the Federal Communications Code prohibiting the profane use of God's name on television; to the Committee on Commerce, Science, and Transportation.

POM-301. A resolution adopted by the Twenty-first Guam Legislature; to the Committee on Energy and Natural Resources.

"RESOLUTION NO. 238

Be it resolved by the Legislature of the Territory of Guam:

"Whereas, since May 13, 1991, Guam residents traveling to other parts of the United States are required to pay the two dollar pest control fee imposed by the U.S. Department of Agriculture ('USDA') on travelers from other countries, even though USDA postponed implementation of such fees on residents of other offshore territories, including Hawaii and Puerto Rico, the people of Guam, along with those from the Virgin Islands and American Samoa, alone being burdened with the fees, thereby subjecting certain offshore American citizens to such fees while exempting others, which is clearly discriminatory; and

"Whereas, recent Congressional measures in both Houses and in subsequent conference

committee proceedings have failed to include adequate exemptions for Guam, Hawaii, American Samoa, Puerto Rico, and the Virgin Islands from these fees; now, therefore, be it

"Resolved, That the Twenty-First Guam Legislature does hereby on behalf of the people of Guam urge the United States Department of Agriculture invoke an immediate stay of the pest control fee from American citizens arriving from offshore United States soil, pending permanent exemption by the United States Congress, and does further petition the Congress of the United States to immediately enact a permanent fee exemption for travelers from Guam and other offshore American possessions; and be it further

"Resolved, That the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to Congressman Ben Blaz, to Clayton Yeutter, U.S. Secretary of Agriculture; to Tom Foley, Speaker of the House of Representatives; to Dan Quayle, Senate President; to George Bush, President of the United States; and to the Governor of Guam."

POM-302. A resolution adopted by the Senate of the State of Hawaii; to the Committee on Energy and Natural Resources:

"SENATE CONCURRENT RESOLUTION 24"

"Whereas, upon the annexation of the Republic of Hawaii by the United States, the United States received approximately 1.8 million acres of government and crown land under the terms of the Joint Resolution of Annexation of 1898, with the condition that the revenues of such lands, subject to national needs, be used 'solely for the benefit of the inhabitants' of Hawaii; and

"Whereas, in 1921, the Congress of the United States enacted the Hawaiian Homes Commission Act which designated native Hawaiians as beneficiaries and which set aside approximately 203,000 acres of public lands to be awarded to native Hawaiians, that is, persons of at least 50% Hawaiian blood, through 99 year leases at a nominal fee; and

"Whereas, Congress enacted the Hawaiian Homes Commission Act to rehabilitate native Hawaiians by returning them to the land through leases for homesteads, ranches, and pastures because the social and economic conditions of the native Hawaiians were rapidly deteriorating after contact with western culture; and

"Whereas, the Hawaiian Homes Commission Act established a trust relationship between the United States and native Hawaiians whereby Congress set aside certain designated parcels of land for the use and benefit of the native Hawaiians; and

"Whereas, the United States became the trustee of these lands, with the Territory of Hawaii acting as agent for the trustee; and

"Whereas, the Hawaiian Homes Commission Act manifested an intention to construct a fiduciary relation between the federal government and the native Hawaiians which gave rise to equitable duties by the federal government to deal with the lands for the benefit of the native Hawaiians; and

"Whereas, the United States retained legal title to the Hawaiian homes lands from 1921 until 1959 when Hawaii became a state; and

"Whereas, although the Hawaiian Homes Commission Act was the responsibility of the federal government from 1921 to 1959, federal financial support for the program was non-existent; and

"Whereas, thousands of native Hawaiian beneficiaries of the Hawaiian Homes Com-

mission Act were unable to obtain homesteads during the period from 1921 to 1959 due to the failure of the trustee to carry out the terms of the Act; and

"Whereas, the President of the United States appointed Hawaii's territorial governor from 1900 through 1959, with the advice and consent of the United States Senate; and

"Whereas, although the citizens of Hawaii, including native Hawaiians, did not elect their territorial governor, the territorial governor was the chairman of the Hawaiian Homes Commission from 1921 to 1935; and

"Whereas, although the United States transferred title to Hawaiian homes lands to the State of Hawaii in the Admission Act of 1959, under sections 4 and 5 of the Admission Act, the federal government continued its trustee responsibilities by retaining oversight responsibility for aspects of the administration of the Hawaiian Homes Commission Act, including the requirements of congressional concurrence for any state legislative amendments to the Hawaiian Homes Commission Act and the approval of the U.S. Secretary of Interior for any land exchanges involving Hawaiian homes lands; and

"Whereas, the federal government also retained the power to review and approve amendments to the provisions of the Hawaiian Homes Commission Act and the power to sue to enforce its terms, but has failed to do so; and

"Whereas, the United States continues to occupy for nominal rent of valuable homelands, including land that was illegally set aside; and

"Whereas, the United States Constitution permits Congress to exercise plenary power in enacting legislation to benefit aboriginal and indigenous people of America based upon the unique historical and legal status of native peoples within the United States; and

"Whereas, like American Indians, Alaskan natives, and Aleuts, Native Hawaiians (a) inhabited and once exercised absolute sovereignty over lands now within the United States; (b) never voted to or affirmatively approved annexation of Hawaii's former public, crown and government lands; and (c) enjoy a culture, language, and practices which exist only in Hawaii; and

"Whereas, Congress has long recognized Native Hawaiians as a distinct aboriginal group and has dealt with them in a manner similar to other native American groups; and

"Whereas, Congress has recognized its fiduciary responsibilities to Native Hawaiians in legislation requiring Native Hawaiians to be included in programs for Native Americans and in the funding of Native Hawaiian programs in employment training, educational improvement, health promotion, and library services; and

"Whereas, the betterment of the conditions of Native Hawaiians is a public purpose which the United States required of Hawaii in the 1959 Statehood Act which enjoys broad support as well as substantial legislative funding in the State of Hawaii; and

"Whereas, the State of Hawaii has undertaken to correct the problems that have occurred in the administration of the Hawaiian homes lands since statehood in 1959 and to better the conditions of Native Hawaiians through programs to preserve Hawaiian culture and to improve the health and education of all Hawaiians; now, therefore,

"Be it resolved by the Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, the House of Representatives concurring, That it urges the United States President and Congress of the United States to formally affirm, honor, and fulfill the fed-

eral trust obligations to the native Hawaiian people as provided under the Hawaiian Homes Commission Act; and

"Be it further resolved, that the Legislature declares its support and authorization of the State's vigorous pursuit of federal claims to restore and strengthen the Hawaiian homes lands trust; and

"Be it further resolved, that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the chair and members of the United States Senate Committee on Energy and Natural Resources, and the members of Hawaii's Congressional Delegation."

POM-303. A resolution adopted by the Pacific Basin Development Council favoring the limitation of the authority of the Inspector General of the U.S. Department of the Interior; to the Committee on Energy and Natural Resources.

POM-304. A resolution adopted by the Legislature of the Commonwealth of Puerto Rico; to the Committee on Energy and Natural Resources.

POM-305. A resolution adopted by the Catholic War Veterans favoring the continuation of the Congress' of the United States efforts, by legislation, to reduce vehicle and industrial emissions, to provide for the strict control of the disposition of nuclear, hazardous waste and toxic substances; to the Committee on Environment and Public Works.

POM-306. A resolution adopted by the Catholic War Veterans favoring legislation to fix the Social Security "Notch"; to the Committee on Finance.

POM-307. A concurrent resolution adopted by the Legislature of the State of Florida; to the Committee on Finance.

"HOUSE CONCURRENT RESOLUTION NO. 469"

"Whereas, the economic uncertainty of the 1980's and early 1990's has resulted in a loss of American jobs, a strain on the American family and restructuring of many of America's industrial corporations, and

"Whereas, one of the leading factors in the creation of economic problems in the United States has been the encroachment of foreign goods and products into the American marketplace, coupled with trade barriers abroad which discourage American exports, and

"Whereas, at the present time foreign manufacturers have encroached upon American markets, producing a great percentage of our electronic equipment, including televisions, microwave ovens, telephone equipment and radios, a great percentage of shoes, bicycles, stuffed toys, and luggage, and a great number of automobiles, and

"Whereas, each manufactured product sold in the United States and produced abroad contributes both to our trade deficit and to the domestic loss of American jobs, and

"Whereas, the citizens of Florida and of the United States could have a positive effect upon this corrosive problem by refusing to purchase imported products, and

"Whereas, it is fitting and appropriate that the Legislature of the State of Florida support American manufacturers in their efforts to overcome foreign imported products and preserve American jobs, Now, therefore,

"Be it resolved by the House of Representatives of the State of Florida, the Senate concurring: That the Legislature of the State of Florida hereby declares the week of July 4th, 1992, as "Buy American Week" and urges all citizens of the State of Florida to participate by refraining from purchasing any imported goods during that week and instead urges

them to purchase goods manufactured in the United States.

"Be it further resolved, That copies of this resolution be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-308. A resolution adopted by the Committee on Health Care of the Legislature of the State of Nevada favoring the support of the "Medicaid Managed Care Improvement Act of 1991"; to the Committee on Finance.

POM-309. A resolution adopted by the House of Representatives of the State of Florida; to the Committee on Foreign Relations.

"HOUSE MEMORIAL NO. 49

"Whereas, the people of Haiti have long suffered under the arbitrary rule of dictatorship rather than the democratic rule of law, and

"Whereas, in 1986, Haitians from all sectors of society showed great courage in joining together to oust President-for-Life Jean Claude Duvalier, and

"Whereas, the people of Haiti have repeatedly manifested their aspirations for democracy and a constitutional government, and equitable economic development as outlined in their Constitution ratified on March 19, 1987, and

"Whereas, the 1987 presidential election was canceled due to widespread violence on the day of the election, and

"Whereas, the Haitian people participated in a second internationally supervised election on December 16, 1990, and elected President Jean-Bertrand Aristide by almost 70 percent of the vote in an election that was recognized by international observations as free, fair, and open, and

"Whereas, elements of the military on September 30, 1991, launched an armed attack against President Aristide and the people of Haiti, and

"Whereas, President Aristide was forced to leave Haiti and a military junta has seized power, and

"Whereas, since President Aristide's departure, a military forces loyal to the junta have reportedly engaged in the widespread murder of Haitian citizens, armed intimidation of the Haitian Legislature, and forced expulsion of an Organization of American States delegation sent to Haiti to help negotiate a peaceful solution to the conflict there, Now, therefore,

"Be it resolved by the Legislature of the State of Florida: That the Congress of the United States is urged to:

"(1) Strongly condemn the unconstitutional seizure of power by the military junta in Haiti, its abridgment of civil and political rights for Haitian citizens, and its blatant disregard for the Haitian Constitution and international law.

"(2) Support the Bush administration's refusal to recognize the coup led by mutinous soldiers, its suspension of economic assistance to Haiti until President Aristide's government has been restored, and its diplomatic efforts to restore the legitimately elected government of President Aristide.

"(3) Strongly support the organization of American State's efforts to negotiate an end to the military seizure of power and the murder and mayhem that has followed.

"(4) Urge the Attorney General to:

"(a) Suspend all deportation and exclusion proceedings for Haitians in the United States

pending a resolution of the deep political and military crisis in Haiti, as called for by the Inter-American Commission on Human Rights; and

"(b) Designate Haiti under section 244A(b)(1) of the Immigration and Nationality Act relating to temporary protected status.

"(5) Urge the United States Coast Guard to begin a coordinated search and rescue at sea operation with respect to Haitians fleeing Haiti, stop the interdiction of Haitian boat people, bring Haitians rescued at sea to the United States for temporary safe haven, and save those Haitians who flee the violence, persecution, and anarchy of their homeland, as called for by the Inter-American Commission on Human Rights.

"(6) Take necessary action to assure that the United States government provide sufficient funds to the states to defray the costs of providing temporary haven in the United States to the Haitian refugees.

"Be it further resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-310. A resolution adopted by the Catholic War Veterans favoring the establishment of English as the Official Language of the United States; to the Committee on Governmental Affairs.

POM-311. A resolution adopted by the Catholic War Veterans favoring anti-blasphemy legislation; to the Committee on the Judiciary.

POM-312. A resolution adopted by the Catholic War Veterans favoring a permanent national day of remembrance, National Pearl Harbor Day; to the Committee on the Judiciary.

POM-313. A resolution adopted by the Catholic War Veterans favoring the abolishment of the National Endowment of the Arts; to the Committee on Labor and Human Resources.

POM-314. A resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania; to the Committee on Labor and Human Resources.

"HOUSE RESOLUTION NO. 215

"Whereas The present health care system in the United States has major flaws, including unequal access to care and treatment, uncontrollable costs, underfunding of preventive care and unequal distribution of health care facilities and providers; and

"Whereas Long term care is a continuing, desperate need for hundreds of thousands of Pennsylvanians causing family bankruptcies and delays and denials of care for senior citizens; and

"Whereas The Medicaid program is growing at an insupportable rate for the Commonwealth's budget and is not keeping up with the needs of Pennsylvanians while the Medicare program continues to shift costs to our senior citizens and to other insured Pennsylvanians; and

"Whereas The cost of health insurance coverage is not affordable for many small businesses, their employees, self-employed persons and other individuals; and

"Whereas More than 40 million Americans, including more than 1 million Pennsylvanians, are currently without health insurance; and

"Whereas Children's health care is deteriorating resulting in an overall 30% of two-year-olds not having essential childhood vac-

inations and infant mortality rates placing the United States 22nd in the world; and

"Whereas The continuing AIDS epidemic and the developing near epidemic of tuberculosis require a health system which promotes prevention and which offers prompt and comprehensive care to be effective and affordable; and

"Whereas The current patchwork of health care programs in the United States has resulted in a system which excludes millions of Americans and affords unequal treatment to those it accepts if they happen to be poor or underinsured; and

"Whereas The United States currently spends 12.2% of its Gross National Product for health care, a far greater proportion than any other industrialized country, and yet it lags behind many other countries in several important categories, such as infant mortality, life expectancy and the prevention of deaths from cancer and cardiovascular disease; and

"Whereas A healthy population is one of our Nation's most precious resources; and

"Whereas A single payer national health insurance system could streamline administrative procedures and substantially reduce the cost of providing health care; and

"Whereas The United States and South Africa are the only two industrialized countries in the world that do not provide a national health care program for their citizens; and

"Whereas, Unlike other western, industrialized nations, health care in the United States is currently a privilege that is linked to the ability to pay; and

"Whereas, Health care should be a right of all citizens and should not be denied to persons who are unable to pay for it or to obtain insurance; and

"Whereas, National health insurance must be instituted in such a manner as to ensure that all Americans have access to high quality, affordable health care: Therefore be it

"Resolved, By the House of Representatives of the Commonwealth of Pennsylvania, that a health care crisis exists and required national action. The Commonwealth will address these individual and collective crises as best it can but will also continue at every opportunity to work to convince elected Federal officials to solve this health care crisis by implementing a single payer national health care system with a defined role for the states; and be it further

"Resolved, That the Congress and the President of the United States are respectfully memorialized to expeditiously enact health care legislation which meets the following requirements:

"(1) Health care must be recognized as a fundamental right.

"(2) All Americans must be covered.

"(3) It must save money.

"(4) It must lead to lower costs for middle class families.

"(5) It must lead to low costs for businesses who already provide health insurance.

"(6) It must employ free market principles that improve the quality of care and limit costs.

"(7) It must control medical inflation.

"(8) It must meet the need for long-term care.

"(9) It must take cognizance of the value of children's preventive health services, including prenatal care, well-baby care and medically necessary immunizations.

"(10) It must address the issue of availability of low-cost comprehensive health insurance coverage for small employers and qualified individuals, families and groups.

"(11) It must use existing public resources.
 "(12) It must not require any new taxes on working families.

"(13) It must spread the burdens of cost more fairly than the current system; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States and to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-315. A resolution adopted by the Catholic War Veterans favoring the current U.S. policy of highest national priority to resolve the POW/MIA issue and reject irresponsible private efforts which jeopardize and interfere with the Government-to-Government process; to the Select Committee on POW/MIA Affairs.

POM-316. A resolution adopted by the Catholic War Veterans favoring H.R. 1147, a bill to direct the heads of agencies to disclose information concerning United States personnel classified as prisoners of war or missing in action after 1940, including from World War II, the Korean conflict and the Vietnam conflict; to the Select Committee on POW/MIA Affairs.

POM-317. A resolution adopted by Catholic War Veterans favoring equalization of recognition for all Desert Storm, Desert Shield and Vietnam Veterans; to the Committee on Veterans' Affairs.

POM-318. A resolution adopted by the Catholic War Veterans opposing Norman Lear's attack on the traditional family and Christian values; ordered to lie on the table.

POM-319. A resolution adopted by the Catholic War Veterans favoring the readmission of God in our citizenry and our state; ordered to lie on the table.

POM-320. A resolution adopted by the Catholic War Veterans relating to the Veterans' re-avowal of their loyalty and wholehearted support of the Pope's pronouncements as the Spiritual Leader of the Catholic Church; ordered to lie on the table.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. INOUE, from the Select Committee on Indian Affairs:

Carl J. Kunasek, of Arizona, to be Commissioner on Navajo and Hopi Relocation, Office of Navajo and Hopi Indian Relocation, for a term of two years.

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRESSLER:

S. 2375. A bill to amend the Hazardous Liquid Pipeline Safety Act of 1979; to the Committee on Commerce, Science, and Transportation.

S. 2376. A bill to state the policy of the United States regarding United States rela-

tions with the governments of the former Federal People's Republic of Yugoslavia, and for other purposes; to the Committee on Foreign Relations.

By Mr. BURNS (for himself, Mr. FORD, Mr. LOTT, Mr. SIMON, and Mr. MCCAIN):

S. 2377. A bill to facilitate the development of an integrated, nationwide telecommunications system dedicated to instruction by guaranteeing the acquisition of a communications satellite system used solely for communications among State and local instructional institutions and agencies and instructional resource providers; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (for himself and Mr. SPECTER):

S. 2378. A bill to amend title 38, United States Code, to extend certain authorities relating to the administration of veterans laws, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CRANSTON (by request):

S. 2379. A bill to amend title 38, United States Code, to provide for cost-savings in the housing loan program for veterans, and for other purposes; to the Committee on Veterans' Affairs.

S. 2380. A bill to amend title 38, United States Code, to target entitlement for vocational rehabilitation benefits under chapter 31 to veterans with service-connected disabilities rated 30 percent or more; to adjust the basic military pay reduction for chapter 30 Montgomery GI Bill participants in proportion to the increased amount of assistance provided under such chapter, and for other purposes; to the Committee on Veterans' Affairs.

S. 2381. A bill to amend title 38, United States Code, to make permanent the authority to collect reimbursement from health insurers and others for non-service-connected care provided to service-connected veterans; to the Committee on Veterans' Affairs.

S. 2382. A bill to amend titles 26 and 38, United States Code, to make permanent certain income verification and pension provisions of the Omnibus Budget Reconciliation Act of 1990; to the Committee on Veterans' Affairs.

S. 2383. A bill to amend title 38, United States Code, to ratify the Department of Veterans Affairs' interpretation of the provisions of section 1151 of title 38, United States Code; to the Committee on Veterans' Affairs.

By Mr. COATS (for himself, Mr. BOREN, Mr. MCCONNELL, Mr. DOLE, Mr. NICKLES, Mr. GRASSLEY, Mr. FORD, Mr. LUGAR, Mrs. KASSEBAUM, Mr. LOTT, Mr. BURNS, Mr. SIMPSON, Mr. KASTEN, and Mr. BRYAN):

S. 2384. A bill to amend the Solid Waste Disposal Act to require the owner or operator of a solid waste disposal facility to obtain authorization from the affected local government before accepting waste generated outside of the State, and for other purposes; to the Committee on Environment and Public Works.

By Mr. RIEGLE:

S. 2385. A bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. SPECTER, and Mr. DURENBERGER):

S. 2386. A bill to amend the Solid Waste Disposal Act to require the owner or operator of a landfill, incinerator, or other solid

waste disposal facility to obtain authorization from the affected local government before accepting waste generated outside the State; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 274. A resolution to authorize representation of Member of the Senate in Little Walter Norton v. Miller, et al; considered and agreed to.

By Mr. SIMPSON (for Mr. WALLOP (for himself, Mr. DOLE, Mr. PRESSLER, Mr. SIMON, Mr. ROBB, Mr. LUGAR, Mrs. KASSEBAUM, Mr. SYMMS, Mr. BOREN, and Mr. PELL):

S. Res. 275. A resolution commending President F. W. de Klerk, the South African Government, and the people of South Africa; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRESSLER:

S. 2375. A bill to amend the Hazardous Liquid Pipeline Safety Act of 1979; to the Committee on Commerce, Science, and Transportation.

HAZARDOUS LIQUID PIPELINE SAFETY ACT AMENDMENTS

Mr. PRESSLER. Mr. President, I rise today to introduce legislation that is designed to help prevent further environmental disasters like the one that recently occurred in my home State of South Dakota. This legislation is a first step in addressing a serious environmental problem facing our country today.

On January 13, 1992, the Williams Pipeline Co. reported a fuel leak near Sioux Falls, SD, to the Office of Pipeline Safety at the Department of Transportation.

I was alarmed to learn of this leak, as many of my constituents were. Any leak is of concern, but this one was most disconcerting. First, the leak went undetected for nearly 6 months.

Second, it occurred only three-fourths of a mile from a major aquifer in eastern South Dakota which serves as the primary water supply for our State's largest population center. Third, the original estimated size of the leak was literally only bucketfuls. However, further examination resulted in estimates of some 400,000 gallons, making it the largest leak in the history of South Dakota. Revised estimates are now closer to 200,000 gallons. To date, over 113,000 gallons have been recovered. A leak of this magnitude certainly should have been detected earlier.

So, Mr. President, to paint the picture of what happened at that major pipeline leak, it was detected 6 months late; it was first reported as a very

small leak; and then it was realized that it was huge, one of the largest leaks in a pipeline in our State's history and, fortunately, it did not go into the aquifer but it was about a half a mile or three-quarters of a mile away. The point I am making is that we had a major leak that almost went undetected until it was too late.

Mr. President, I feel very strongly that everything possible must be done to prevent such leaks from occurring in the future. They are too costly to the environment and to everyone involved. Therefore, I have over the past several weeks carefully studied what happened in this case. South Dakota and other States that have hazardous liquid pipelines ought to be concerned over the possibility of future leaks. However, the number of such leaks can be reduced, I believe, through a coordinated effort by Federal, State, and local government officials, and private industry leaders.

I serve on the Commerce Subcommittee on Surface Transportation. Last year, the Senate passed S. 1583, the Pipeline Safety Improvement Act of 1991, after subcommittee hearings were held. This legislation will help address the safety of pipelines in a number of important ways.

Now since this leak was reported, I have carefully revisited this issue. First, I was briefed in detail by Mr. George Tenley, Associate Administrator for Pipeline Safety, head of the Office of Pipeline Safety. I learned many specifics regarding safety and inspection procedures on the section of pipeline in question, as well as the pipeline inspection program in general.

The enormous task of inspecting 1.8 million miles of pipeline in this country under Federal inspection jurisdiction falls on only 24 Federal inspectors. So for our entire Nation with 1.8 million miles of pipeline, we have only 24 Federal inspectors.

Mr. Steve Cropper, president of Williams Pipelines, met with me to explain the industry side of this critical issue. I was pleased to learn several new technological advances were being applied to assist the industry in deterring future leaks. As I continued to study this matter, I worked closely with officials in my State that deal with pipeline safety, learning the problems they face.

Currently, hazardous gas and liquids are transported via pipeline throughout the United States. Of the approximately 1.8 million miles of pipeline, roughly 1.6 million miles are natural gas pipelines and 155,000 miles of pipeline transport hazardous liquids. The leak in South Dakota falls in the latter category.

Mr. President, 48 States have their own natural gas pipeline safety inspection programs. However, only 10 States have a similar program for the inspection of hazardous liquid pipelines. The

Federal Government retains primary inspection responsibilities for pipelines in those States without their own programs, but the Federal office is understaffed. States need greater assistance from the Federal Government in implementing their own inspection program.

Therefore, I have introduced legislation to correct this problem. My legislation would do the following: First it adds 12 new Federal pipeline safety inspectors above the number authorized for fiscal year 1992, a 50-percent increase.

Second, these inspectors will focus specifically on inspections in States that do not have their own hazardous liquid pipeline safety programs in place.

Third, they will provide technical assistance and training to these States to help them develop their own pipeline safety programs. These personnel will focus primarily on public water supply protection and other environmental public health and safety aspects of pipeline regulations.

They will pay particular attention to pipelines constructed prior to 1971 which are more likely to develop problems. They will assist States in the review and management of pipeline safety grants. These provisions, together with others, offer a good first step in improving overall pipeline safety.

Mr. President, after much negotiation, I am pleased to report that my legislation has the support of the administration. South Dakota Department of Environment and Natural Resources Secretary Robert Roberts also fully supports this bill. These are important commitments for which I commend them.

The fact of the matter is that States are usually in a much better position to handle these inspections than is the Federal Government. They best understand the intricacies of their own State. In addition, the local citizens are in closer contact with State officials than regional Federal offices.

The bottom line, Mr. President, is that local, State, and Federal governments, as well as the pipeline industry, must cooperate in improving pipeline safety. By providing greater assistance to those States that need it most, my bill will provide a first step to improving overall pipeline safety.

So, Mr. President, to conclude, let me say I think that our entire Nation can look to the spill that occurred near Sioux Falls as an example of the dangers to which the public and the environment can be subjected if a pipeline leaks. We certainly need pipelines throughout our Nation to move energy, to move gas, to move natural gas. We certainly have a need to improve the technology of pipeline safety. But we also must have quick, prompt pipeline inspection and notification so that the problem can be corrected.

My bill would be a step forward. It would add 12 additional Federal pipe-

line inspectors. It would improve the cooperation between Federal, State, and local governments. I think we can learn from the near disaster that took place near Sioux Falls. I think we can improve pipeline safety throughout our Nation. It is a subject to which we need to pay attention because the movement of energy is so important to our citizens.

Mr. President, I send my bill to the desk and request that it be referred to the appropriate committee. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT.

The Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2001 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 220. FIELD PERSONNEL.

"(a) IN GENERAL.—To the extent and in such amounts as are provided in advance in appropriation Acts, the Secretary of Transportation, in fiscal year 1993, shall employ and maintain thereafter an additional 12 pipeline field personnel above the number of field personnel authorized for fiscal year 1992 for the Research and Special Programs Administration. These personnel will work primarily on public water supply protection and other environmental public health and safety aspects of pipeline regulations. The Secretary shall take such action as may be necessary to assure that the activities of such additional field personnel focus on—

"(1) inspecting intrastate hazardous liquid pipeline facilities in those States that do not have a hazardous liquid pipeline safety program that meets the requirements of subsection (a) or (b) of section 205 of this title;

"(2) assisting the States identified under paragraphs (1) and (3) in developing hazardous liquid pipeline safety programs that meet the requirements of subsection (a) or (b) of section 205 of this title;

"(3) inspecting interstate hazardous liquid pipeline facilities constructed prior to 1971; and

"(4) providing technical assistance and training to State pipeline inspectors and assisting in the review and management of pipeline safety grants.

"(b) ASSIGNMENT OF FIELD PERSONNEL.—The additional field personnel provided under subsection (a) shall be assigned by the Secretary to the Research and Special Programs Administration pipeline safety regional offices on the basis of the extent to which—

"(1) hazardous liquid pipelines constructed prior to 1971 exist in a region;

"(2) there are in a region States having intrastate hazardous liquid pipeline facilities that do not have a hazardous liquid pipeline safety program meeting the requirements of subsection (a) or (b) of section 205 of this title; and

"(3) there are other factors, including those based on public water supply protection and other environmental public health and safety concerns, which the Secretary deems relevant to improving the extent and quality of Federal and State hazardous liquid pipeline safety programs.

"(c) FUNDING.—The Secretary of Transportation may use such sums as may be necessary of funds appropriated pursuant to section 17(a) of the Natural Gas Pipeline Safety Act of 1968, as amended, and section 214(a) of the Hazardous Liquid Pipeline Safety Act of 1979, as amended, to carry out this section."

By Mr. PRESSLER:

S. 2376. A bill to state the policy of the United States regarding United States relations with the governments of the former Federal People's Republic of Yugoslavia, and for other purposes; to the Committee on Foreign Relations.

FORMER YUGOSLAVIA ACT OF 1992

Mr. PRESSLER. Mr. President, today I introduce legislation designed to recognize the fact that Yugoslavia no longer exists, and seeks to adjust United States policy accordingly. Two years ago three nations that had been occupied by the Soviet Union began to pull away from its control. The tenacity of Lithuania, Estonia, and Latvia was rewarded by restored independence after 50 years. More important, the brave peoples of three nations shot a silver bullet into the heart of the Soviet Union. They survived while the Soviet Union died.

It has become commonplace in recent months to use the term "former Soviet Union." At long last, the world finally realizes the Soviet Union was an artificial country. There was no underlying nationalism to give it legitimacy. In 2 short years, new nations—former Soviet Republics—have declared independence and been recognized by the United States.

A precise parallel exists between events in the Soviet Union and what has been happening in Yugoslavia. Once again, an artificial country is proving that it cannot survive in an era of increasing demand for self-determination and democracy.

Mr. President, in early 1990, few people thought the Soviet Union would disintegrate rapidly. Even fewer welcomed that course of events. A number of America's leading foreign policymakers exerted every effort to preserve the Soviet Union.

They feared that a collection of relatively autonomous nations, some of which do not want to be part of a larger political union, would be a threat to international stability, security, and commercial ties. These experts invested heavily in Mikhail Gorbachev, as if he alone could make the Soviet Union viable.

As the Soviet Union disintegrated, two Yugoslav Republics decided to test the waters of independence—Croatia and Slovenia. Slovenia, which is closer to Western Europe than Belgrade, had little trouble peacefully transitioning out of Yugoslavia. But the Communist diehards who run the Belgrade regime launched a military campaign to prevent Croatia from breaking free of their grasp. While thousands of people

were being killed and billions of dollars' worth of property destroyed, the United States virtually did nothing.

Belgrade's war of aggression has ended in the smoking ruins of Croatia. Only after the conquest was completed did the West begin to act. The United States limited its leadership to pushing for the creation of a U.N. peacekeeping force in territories conquered by Belgrade and areas claimed by the central regime which were fortunate enough to be spared the sword.

Now other Republics and autonomous regions of the former Yugoslavia area—or shortly may be—under the gun. The plight of the Albanian majority in Kosovo, a region occupied by unwanted forces of the Belgrade regime, is well-known. In addition, press reports indicate that Belgrade may be attempting to undo by force a vote of the people of Bosnia-Herzegovina. Other areas and regions yearn for greater freedom, but are suppressed by force.

Mr. President, enlightened European nations have recognized Croatian and Slovenian independence. As with the Soviet Union, Europeans have recognized the changing nature of East European nationalism and accommodated to the new reality.

So long as the United States persists in the notion that Yugoslavia exists—and that it deserves to be preserved—our country will be blamed for the brazen, inhuman behavior of what remains of central Yugoslav authority in Belgrade.

As the ranking member of the Subcommittee on European Affairs of the Foreign Relations Committee, I have observed the dissolution of Yugoslavia and the behavior of United States policymakers regarding that process. Mr. President, the time has come for the United States to enter the real world and realize that Yugoslavia is no longer a country.

In recent years, I have been contacted more and more frequently by representatives of national groups within the former Yugoslavia. In general, they paint a picture in which Belgrade authorities—mostly Serbians—are the major force in perpetuating the fiction that Yugoslavia exists. The motive seems to be maintaining Serbian hegemony, which can survive only by force of arms.

The chairman of the Foreign Relations Committee, Senator CLAIBORNE PELL, deserves great credit for his study of the role of persecuted nationalities within the borders of the former Yugoslavia. Likewise, the committee's ranking member, Senator JESSE HELMS, has spoken eloquently about the need to apply the same standards to the former Yugoslavia as were applied to the former Soviet Union.

Mr. President, the time has come to take the next step. At a minimum, Congress must recognize that Yugoslavia has dissolved and, like Humpty

Dumpty, cannot be put back together again. The Yugoslav army may try to enforce military control over greater Serbia, but defenders of individual liberty and self-determination should not tolerate it.

The legislation I introduce today seeks to adjust United States policy to real world realities and away from the post-World War I notion that a single state is the best guarantee against Balkan wars. However, this legislation is not intended to determine which competing nationality takes precedence within the borders of the former Yugoslavia.

For some ethnic communities, nothing but independence will be enough. For others, greater autonomy within a voluntary union may suffice. The solutions to these problems will be difficult, but they are not beyond the capacity of honest diplomacy and fair negotiation.

Mr. President, let me add that I do not think the deployment of U.N. forces is a permanent solution in the former Yugoslavia. It seems to me that the solution lies in radical reduction in the size and power of Belgrade's army. Conventional arms reduction is vital if lasting peace is to be achieved.

My legislation marks the beginning step toward recognition of the new realities in the former Yugoslavia. I urge the President and the State Department to work within the framework regarding the former Yugoslavia and its former Republics and autonomous regions.

Mr. President, I send this bill to the desk, request that it be referred to the appropriate committee, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Former Yugoslavia Act of 1992".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Constitution of the Federal People's Republic of Yugoslavia, adopted in 1946, was modeled on the 1936 Constitution of the Union of Soviet Socialist Republics.

(2) Of the six republics (Macedonia, Slovenia, Croatia, Serbia, Montenegro, and Bosnia-Herzegovina) and two autonomous regions (Kosovo and Vojvodina) that formerly comprised the Federal People's Republic of Yugoslavia, several have voluntarily disassociated themselves to varying degrees from the political structure created by the Constitution of 1946.

(3) As a result of these actions by its constituent republics and provinces, the Federal People's Republic of Yugoslavia has ceased to exist.

SEC. 3. POLICY.

It is the sense of the Congress that the policy of the United States should be to conduct

diplomatic and other relations directly with each of the nations, republics, and regions that formerly comprised the Federal People's Republic of Yugoslavia or directly with any voluntary association or associations of any such nations, republics, and regions rather than indirectly through the central government of the former federal state.

SEC. 4. REPORT.

(a) **REPORTING REQUIREMENT.**—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a comprehensive report on United States policy toward the nations, republics, and autonomous regions that formerly comprised the Federal People's Republic of Yugoslavia.

(b) **CONTENT OF REPORT.**—The report shall include the following matters:

(1) The advisable levels and timing of United States diplomatic recognition and representation regarding each nation, republic, and autonomous region that formerly comprised the Federal People's Republic of Yugoslavia, including the specific criteria for determining to grant that recognition and the justification for any determination not to recognize a nation, republic, or autonomous region that has received the diplomatic recognition of any member nation of the North Atlantic Treaty Organization.

(2) The actions the United States will undertake bilaterally and in appropriate international bodies to prevent military and police forces anywhere within the territory of the former Federal People's Republic of Yugoslavia from attacking any such nation, republic, or autonomous region.

(3) The actions the United States will undertake bilaterally and in appropriate international bodies to prevent military and police forces of the former Federal People's Republic of Yugoslavia from being stationed in any such nation, republic, or autonomous region against the will of any freely elected, representative government of that nation, republic, or autonomous region.

(4) The actions the United States will undertake bilaterally and in appropriate international bodies to bring to justice government authorities who ordered members of military and police forces of the former Federal People's Republic of Yugoslavia or any such nation, republic, or autonomous region to attack any other such nation, republic, or autonomous region.

(5) The actions the United States will undertake bilaterally or in appropriate international bodies to reduce the influence and size of military forces that have attacked any such nation, republic, or autonomous region and to reduce the funding and supplying of such military forces by any source.

(6) The actions the United States will take through the United Nations and other appropriate international bodies to assure security and peace in the former Federal People's Republic of Yugoslavia.

(7) The extent to which the United States has ceased to provide assistance directly or indirectly to the government of any such nation, republic, or autonomous region that has attacked or occupied any other such nation, republic, or autonomous region.

(8) The levels and types of assistance that are being provided or are to be provided by the United States, directly or indirectly, to those nations, republics, and autonomous regions that have had free, fair, internationally supervised elections and that have committed themselves to principles of democracy and human rights.

(9) Any other matters relating to the policy referred to in subsection (a) that the President considers appropriate.

By Mr. BURNS (for himself, Mr. FORD, Mr. LOTT, Mr. SIMON, and Mr. MCCAIN):

S. 2377. A bill to facilitate the development of an integrated, nationwide telecommunications system dedicated to instruction by guaranteeing the acquisition of a communications satellite system used solely for communications among State and local instructional institutions and agencies and instructional resource providers; to the Committee on Labor and Human Resources.

INTEGRATED AND NATIONWIDE TELECOMMUNICATIONS

Mr. BURNS. Mr. President, America faces many problems and challenges in education. From Montana to Maine, from local school districts to large universities, educators are being asked to do more with less. There is overcrowding in urban areas, and a lack of access to educational opportunities in many rural areas. And everywhere we turn, budgets are being squeezed. We do not have to look far to see examples of the problems in education. In my home State, our university system faces funding decreases and tuition increases. The problems do not end with higher education either. Like many other States, the Montana Supreme Court has ruled that all public school students must be given equal educational opportunities. This is extremely difficult to accomplish in rural areas where a school may only have 20-25 students. And it is equally challenging for inner cities.

Every student deserves equal access to a quality education, but not every small rural school, or poor inner city school, can afford the resources and specialized instructors that are available in wealthier communities. Saco, MT, is a perfect example. The Saco High School has less than 40 students. They just cannot afford to hire a Spanish teacher to teach one class a day. This could unfairly limit students' educational opportunities. Unfortunately, this is not an isolated example. I could go on, giving you examples from every State in the Union. But there is no point in doing that when the real question is what are we going to do about it?

We are being challenged as a nation, and we must react—as a nation, with unity of purpose. We must marshal our resources and find ways to overcome the problems in education. Our children's future is at stake. We must act now to position America to move into the 21st century with a well-educated, competitive work force. There are many exciting proposals being forwarded and each of them has merit. Over this Nation's history, we have used good old American creativity to conquer many challenges and forge new horizons. Often times, technology plays

a key role in making us world leaders. In the areas of space and defense, our technological know-how has made us second to none.

I believe we should act now to apply that same technological know-how to education. If we do, our success will be no less than it has been in space and defense. Whether it be through copper wire, satellites, or fiber optics, distance learning can provide access to the vast educational resources of our Nation, regardless of wealth or geographic location. Let us go back for a minute to Saco, MT. Educators in Saco have turned to telecommunications and distance learning to diversify and enrich their students' education. Students in Saco can take not only Spanish, but Russian, chemistry, and physics via satellite. The Mid-Rivers Telephone Co-Op in eastern Montana also has a project linking schools in Terry, Baker, Plevna, and Ekalaka, MT, with fiber-optics. The fiber link allows students in these communities to have a two-way audio and visual connection with their Spanish and German teachers over a hundred miles away. Unfortunately, barriers still exist which are holding back the full development of distance learning.

I have introduced a bill, S. 1200, which will facilitate the deployment of a broadband fiber-optic network that will be available to every educational institution, health care organization, business, and home in the United States by the year 2015. In order to do this, some regulatory barriers have to be removed, and S. 1200 removes those barriers. A national broadband fiber-optic network holds great promise for the field of education. With a fiber-optic network, any school in the country could have guest teachers from anywhere in the world via a two-way interactive audio and visual network. The possibilities of what a fiber optic network could offer our educational system are limited only by the mind.

But even with the passage of S. 1200, this network may not be a reality for quite some time, and we cannot wait to expand the opportunities available through distance learning. We must start right here, right now, by taking advantage of the satellite technology that exists today. That is why I am introducing today, along with Senators FORD, SIMON, LOTT, and MCCAIN, a bill which will help remove some of the barriers that are stunting the growth of distance learning. Our bill offers Federal loan guarantees to a non-Federal, nonprofit, public corporation which they can use to obtain financing for the purchase or lease of a dedicated education satellite system. A dedicated educational satellite will allow us to address two barriers faced by those involved in distance learning via satellite. First, it will insure instructional programmers that they will be able to obtain affordable satellite trans-

mission time without risk of preemption by commercial users. Second, it will allow educators using the programming to have one dish focused on one satellite off which they can receive at least 24 channels of instructional programming—24 different programs—every hour of the school day.

There is no doubt in my mind that distance learning is a growth area and that there is a role for the Federal Government in facilitating that growth. The Office of Technology Assessment's 1989 report, "Linking for Learning: A New Course for Education," documents the recent growth of distance learning, calling the growth in the K-12 sector dramatic. OTA anticipates this growth to continue. The National Governors' Association in 1988 found that while fewer than 10 States were promoting distance learning in 1987, 1 year later two-thirds of the States reported involvement. The NGA passed a resolution in 1988, and revised it in 1991, expressing their support for a dedicated education and public purpose satellite-based telecommunications network. Following their 1989 education summit in Charlottesville, VA, where former Governor Wallace Wilkinson of Kentucky and other Governors raised with President Bush the proposal for this dedicated system, the EDSAT Institute was formed to analyze the proposal. In 1991, they issued a report entitled "Analysis of a Proposal for an Education Satellite," and they found, as did the OTA report, that individual States and consortiums of States are investing heavily in distance learning technologies and that the education sector is a significant market.

The legislation we are introducing today addresses the issue of an infrastructure for distance learning. The OTA report also addresses this issue and concludes that national leadership could focus, infrastructure, investments toward the future, ensuring that today's distance learning efforts carry our educational system into the 21st century. A commitment to a national telecommunications infrastructure for distance learning requires a change in the existing Federal role. That is what we are proposing today, and what I have proposed in S. 1200, a change in the Federal role and a change in the Federal telecommunications policy. Our approach is based on the precepts of Abraham Lincoln who said, and I paraphrase, that the legitimate role of the Government is to do for the people that which they cannot do for themselves. The application of this great precept to this initiative begs two questions. First, how do we know the people cannot provide for themselves an integrated, satellite-based telecommunications system? And once we determine that they can't, we must then ask what the Federal Government's role is in doing it for them?

The first question, why can't the education sector provide such a system themselves, is best answered by looking at the realities surrounding their use of satellite technology. While there is a significant market out there, it can best be described as disorganized and fragmented. For the most part, schools, school districts, State education agencies, colleges, and universities all operate independently. In recent years, as the OTA report documents, many States have undertaken efforts to plan and coordinate for distance learning. Many States have also formed distance learning consortiums. But until all the users are aggregated on a national level, they will not have enough market power to attract commercial interest for a telecommunications infrastructure to facilitate distance learning growth.

Aggregation is not the only hurdle that the education sector faces. They are also limited by short-term planning. As we all know, education budgets are formulated primarily at the State and local levels, and they are done on an annual or biannual basis. Since funding levels are uncertain from year to year, educators and administrators find it difficult to enter into long-term agreements. In the satellite market, these small, short-term users are considered occasional buyers. As occasional buyers, educational users must pay high commercial rates for service that is often undependable because they are subject to preemption. In today's satellite market, occasional buyers would not form a basis on which satellite vendors could offer dedicated service. A satellite vendor operates much like a shopping mall developer. Before they build and launch a satellite, they go out and procure contracts from users who can guarantee their use of a majority of the transponders for the life of the satellite, 10 to 12 years. In doing this, they often look for an anchor tenant, a large user like HBO for example, and then fill up the rest of their capacity with smaller users. Clearly, the education sector is not in a position to satisfy these commercial practices and acquire for themselves a satellite dedicated to educational use.

So, how can the Federal Government help the education sector build a telecommunications infrastructure? Or more specifically, how can the Federal Government help the education sector acquire a satellite dedicated to education? Well, we could just go out and appropriate the money to buy a satellite, but which I think would be very expensive and unnecessary. Instead we have the opportunity to enter into a public/private partnership which I think is the appropriate route to take. The legislation we are introducing says that the Federal Government's role is to take the risk from the private sector in order to encourage the development

of a dedicated satellite system. A non-profit, public corporation representing educational users of all levels will investigate all practical means to acquire the most cost-effective, high quality communications satellite system and report to the Secretary of Education their findings and recommendations. At that time, the Secretary will be authorized guarantee loans of up to \$270 million of which not more than \$20 million can be for the costs of operating and managing satellite services for up to 3 years.

The organization, the National Education Telecommunications Organization [NETO], was formed after the EDSAT Institute held seven regional meetings last summer. Through these meetings they recognized the need to aggregate the education market for distance learning and concluded that an education programming users organization was needed. NETO has a distinguished board of educators, public policy officials, State education agencies, and telecommunications experts who are committed to the goal of developing an integrated telecommunications system dedicated to education. The first step, that of acquiring a dedicated satellite, is what we are facilitating through Federal loan guarantees.

Some have asked why NETO is needed. They have suggested that the Public Broadcasting System [PBS] is already in place and could meet the infrastructure needs of the distance learning community. This is not an attempt to replace PBS; I am a supporter of their mission and have spoken on a number of occasions in support of their efforts to expand educational programming. What we must keep in mind, however, is that PBS and NETO have very different missions. PBS is in the business of broadcasting. PBS provides programming and has acquired satellite time in order to deliver its own programming. In contrast, NETO's focus is on the distribution of distance learning, much of it live and interactive. NETO itself will not generate programming. NETO's sole concern is the creation of an infrastructure which will distribute instructional programming created by others at an equitable price to all users.

Although NETO will aggregate the market so that it will be of sufficient size, the education sector still faces the problem of being a short-term user. Educators cannot enter into the 5- or 10-year commitments that satellite vendors look for in long-term users. This legislation solves that problem by offering Federal loan guarantees to NETO so that they can, in turn, offer the satellite vendors the long-term commitment they need. Our proposal basically guarantees the vendor an anchor tenant. Without that guarantee, it is likely that even an aggregated education market would be able to secure a long-term lease or purchase arrangement with a satellite vendor.

If this legislation passes, the Federal Government will be setting a national policy in support of a telecommunications infrastructure for distance learning. A policy that will cost the Government relatively little compared to the benefits our Nation will receive through improved education and educational access. The risk to the Federal Government is minimal. The only risk the Government is assuming is the risk that the distance learning market will dissipate. I think the findings of the National Governors' Association, the OTA, and the EDSAT Institute prove that highly unlikely. But I also believe that with distance learning, as with transportation and other infrastructure-dependent markets, once an infrastructure is in place the market will expand beyond our current expectations.

A dedicated satellite system will bring instructional programming which is now scattered across 12 to 15 satellites into one place in the sky. This collocation will allow educators to receive a variety of instructional programs without having to constantly reorient their satellite dish. By making the investment in a dedicated system on the front end, we are reducing distance learning costs for educators on the State and local levels. The programmers will benefit because they will be able to market their programming to a wider audience and will be guaranteed reliable satellite time at an affordable rate. A rate that will be equal no matter how much time they buy. Programmers include public schools, colleges, universities, State agencies, private sector corporations and consortiums, such as the Star Schools consortiums, and independents. The users will benefit because their investment in equipment to receive instructional programming may be reduced because of the technological advantages of focusing on one point in the sky. Users include primary and secondary students, college and university students, professionals interested in continuing education, community members, and government bodies. The benefits far outweigh the costs in my mind.

A dedicated educational satellite will allow our kids to benefit from equal access to quality education. This is really just a first step. Both NETO and I believe that a telecommunications infrastructure for use by the educational sector should not be technology specific. I plan to continue pushing for passage of S.1200 to make a national broadband fiber-optic network a reality. NETO's vision is for an integrated, nationwide telecommunications system, a transparent highway that encompasses land and space, over which educational and instructional resources can be delivered. They envision bringing together the land-based systems that are already in place, not re-

placing them. This is an inclusive effort, not an exclusive one. I hope that my colleagues will join me in making this a reality.

Technology has transformed every sector of our lives. It can transform education as well. It will not replace teachers, it will empower them with better teaching tools. It will inspire our young people to actively engage in their education. It will expose them to the world around them and broaden their horizons. Our Nation's children deserve no less.

Mr. SIMON. Mr. President, satellite technology can expand educational opportunity for students in areas with teacher shortages in important subjects—such as foreign languages, math, and science. We should capitalize on technology's potential for supplementing curriculum, without allowing it to in any way replace students' one-on-one interaction with teachers.

I am pleased that Western Illinois University has been a leader in using satellite technology for teacher development programs and student instruction, particularly in rural and low-income areas. Clearly, it is in our best interest to expand this type of programming, so that schools across the country can provide their students with a similar opportunity.

I am pleased to join Senator BURNS in sponsoring this bill.

By Mr. CRANSTON (for himself and Mr. SPECTER):

S. 2378. A bill to amend title 38, United States Code, to extend certain authorities relating to the administration of veterans laws, and for other purposes; to the Committee on Veterans' Affairs.

ADMINISTRATION OF VETERANS LAWS

• Mr. CRANSTON. Mr. President, as the chairman of the Committee on Veterans' Affairs, I have today introduced S. 2378, legislation which would extend certain expired Department of Veterans Affairs authorities. I am joined in introducing this measure by the committee's ranking minority member, Senator SPECTER.

Mr. President, last fall, at the close of the first session of this Congress, the Senate was precluded from acting on H.R. 2280 as passed by the House on November 25, 1991, with amendments to an earlier version of that legislation that the Senate had passed on November 20. Among other things, that compromise included provisions which extended some then-expired or soon-to-be expiring VA authorities.

In an effort to obtain expeditious action extending these authorities, we have included in this legislation only extensions of various expired provisions. In the near future, I will seek Senate action on this measure and then will work with Chairman MONTGOMERY and other members of the House committee to secure its prompt enactment.

DESCRIPTION OF PROVISIONS

Mr. President, this measure would extend VA authorities in three areas—the authorities to maintain an office in the Philippines, to conduct certain vocational rehabilitation and training programs, and to establish research corporations—which I will describe in more detail in a moment, ratify any actions taken pursuant to these now-expired authorities between their expiration dates and the date of enactment of this legislation, and, finally, extend an expired requirement for VA to submit to the Congress a report on its use of certain health care authorities.

REGIONAL OFFICE IN THE PHILIPPINES

Mr. President, section 315(b) of title 38, United States Code, authorizes VA to maintain a regional office in the Republic of the Philippines. Pursuant to this authority, VA operates an office in Manila. This authority expired on September 30, 1991.

Section 1 of the bill would extend this authority until March 31, 1994, and would expressly ratify any actions taken by VA to maintain the regional office in Manila between October 1, 1991, and the date of the enactment of this legislation.

CERTAIN VOCATIONAL REHABILITATION AND TRAINING PROGRAMS

Mr. President, section 2 of the bill would extend certain temporary vocational rehabilitation and training programs and authorities which expired on January 31, 1992. These specific programs and authorities are as follows. First, section 1163 of title 38 provides for a temporary program of trial work periods and voluntary vocational rehabilitation evaluations for veterans receiving VA compensation at the total-disability rate based on a determination of individual employability. Second, section 1524 provides for programs of vocational training for certain non-service-disabled wartime veterans who are awarded VA needs-based disability pensions. Third, section 1525 provides for a program of time-limited protection of VA health care eligibility for a veteran whose entitlement to pension is terminated by reason of income from work or training. Each of these provisions would be extended until December 31, 1992, so as to enable the committee to receive and review VA evaluations on the effectiveness of each program or authority. Provisions in the bill would ratify any actions taken by VA under these authorities between their expiration and the date of enactment.

RESEARCH CORPORATIONS

Mr. President, subchapter IV of chapter 73 of title 38 authorizes VA to establish at its medical centers nonprofit corporations to provide a flexible funding mechanism for the conduct of medical research at VA medical centers. This subchapter also requires VA to dissolve any such corporation that fails to obtain, within 3 years after estab-

lishment, recognition from the Internal Revenue Service as a tax-exempt entity under section 501(c)(3) of the IRS code. Finally, this subchapter requires any research corporation to be established no later than September 30, 1991.

Section 3 of the bill would extend from 3 to 4 years the time period after establishment that a research corporation has to obtain IRS recognition as a tax-exempt entity and also extends VA's authority to establish research corporations until December 31, 1992.

ANNUAL REPORT ON FURNISHING HEALTH CARE

Section 1901(e)(1) of Public Law 99-272, as amended, required VA to submit to the House and Senate Veterans' Affairs Committees, not later than February 1, following the end of the fiscal year covered by the report, annual reports on the furnishing of hospital care in fiscal years 1986 through 1991. Section 4 of the bill would amend that requirement so as to extend the reporting requirement through fiscal year 1992.

CONCLUSION

Mr. President, as I mentioned at the outset, my intention is to seek Senate action on this measure in the near future and then to work with our colleagues on the House committee to ensure its prompt enactment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO MAINTAIN THE REGIONAL OFFICE IN THE PHILIPPINES.

(a) EXTENSION.—Section 315(b) of title 38, United States Code, is amended by striking out "September 30, 1991" and inserting in lieu thereof "March 31, 1994".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 30, 1991.

(c) RATIFICATION OF MAINTENANCE OF OFFICE DURING LAPSED PERIOD.—Any action of the Secretary of Veterans Affairs in maintaining a Department of Veterans Affairs Regional Office in the Republic of the Philippines under section 315(b) of title 38, United States Code, during the period beginning on October 1, 1991, and ending on the date of the enactment of this Act is hereby ratified with respect to that period.

SEC. 2. AUTHORITIES RELATING TO CERTAIN TEMPORARY PROGRAMS.

(a) PROGRAM FOR TRIAL WORK PERIODS AND VOCATIONAL REHABILITATION.—Section 1163(a)(2)(B) of title 38, United States Code, is amended by striking out "January 31, 1992" and inserting in lieu thereof "December 31, 1992".

(b) PROGRAM OF VOCATIONAL TRAINING FOR NEW PENSION RECIPIENTS.—Section 1524(a)(4) of such title is amended by striking out "January 31, 1992" and inserting in lieu thereof "December 31, 1992".

(c) PROTECTION OF HEALTH-CARE ELIGIBILITY.—Section 1525(b)(2) of such title is

amended by striking out "January 31, 1992" and inserting in lieu thereof "December 31, 1992".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) through (c) shall take effect as of January 31, 1992.

(e) RATIFICATION OF ACTIONS DURING LAPSED PERIOD.—The following actions of the Secretary of Veterans Affairs during the period beginning on February 1, 1992, and ending on the date of the enactment of this Act are hereby ratified with respect to that period:

(1) A failure to reduce the disability rating of a veteran who began to engage in a substantially gainful occupation during that period.

(2) The provision of a vocational training program (including related evaluations and other related services) to a veteran under section 1524 of title 38, United States Code, and the making of related determinations under that section.

(3) The provision of health care and services to a veteran pursuant to section 1525 of title 38, United States Code.

SEC. 3. AUTHORITIES RELATING TO RESEARCH CORPORATIONS.

(A) PERIOD FOR OBTAINING RECOGNITION AS TAX-EXEMPT ENTITY.—Section 7361(b) of title 38, United States Code, is amended by striking out "three-year period" and inserting in lieu thereof "four-year period".

(b) ESTABLISHMENT OF CORPORATION.—Section 7368 of such title is amended by striking out "September 30, 1991" and inserting in lieu thereof "December 31, 1992".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as of October 1, 1991.

(d) RATIFICATION FOR LAPSED PERIOD.—The following actions of the Secretary of Veterans Affairs during the period beginning on October 1, 1991, and ending on the date of the enactment of this Act are hereby ratified:

(1) A failure to dissolve a nonprofit corporation established under section 7361(a) of title 38, United States Code, that, within the three-year period beginning on the date of the establishment of the corporation, was not recognized as an entity the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(2) The establishment of a nonprofit corporation for approved research under section 7361(a) of title 38, United States Code.

SEC. 4. REQUIREMENT OF ANNUAL REPORT ON FURNISHING HEALTH CARE.

Section 1901(e)(1) of the Veterans' Health-Care Amendments of 1986 (38 U.S.C. 1710 note) is amended by striking out "fiscal year 1991" and inserting in lieu thereof "fiscal year 1992".

By Mr. CRANSTON (by request):

S. 2379. A bill to amend title 38, United States Code, to provide for cost savings in the housing loan program for veterans, and for other purposes; to the Committee on Veterans' Affairs.

S. 2380. A bill to amend title 38, United States Code, to target entitlement for vocational rehabilitation benefits under chapter 31 to veterans with service-connected disabilities rated 30 percent or more; to adjust the basic military pay reduction for chapter 30 Montgomery GI bill participants in proportion to the increased amount of assistance provided under such chapter, and for other purposes; to the Committee on Veterans' Affairs.

S. 2381. A bill to amend title 38, United States Code, to make permanent the authority to collect reimbursement from health insurers and others for nonservice-connected care provided to service-connected veterans; to the Committee on Veterans' Affairs.

S. 2382. A bill to amend titles 26 and 38, United States Code, to make permanent certain income verification and pension provisions of the Omnibus Budget Reconciliation Act of 1990; to the Committee on Veterans' Affairs.

COST-CUTTING PROPOSALS FOR VETERANS PROGRAMS

• Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I am today introducing, by request, four bills to reduce spending on Department of Veterans Affairs programs. The Secretary of Veterans Affairs transmitted these bills to the President of the Senate by letters dated February 25, 1992. The Director of the Office of Management and Budget originally submitted advanced copies of this legislation by Executive Communication 2559, on January 29, 1992.

My introduction of these measures is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD at this point, together with the February 25, 1992, transmittal letters and enclosed section-by-section analyses.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Home Loan Improvement Act of 1992".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

REVISION OF LOAN FEE

SEC. 2. (a) Section 3729(a)(2) is amended by—

(1) Striking out "Except as provided in paragraph (6) of this subsection, the" and inserting in lieu thereof, "The";

(2) In clause (A)—
(A) Inserting "(other than a case referred to in clause (E) of this paragraph)," immediately after "case"; and

(B) Striking out "title or for any purpose specified in section 3712 of this";

(3) In clause (B)—
(A) Inserting "(other than a case referred to in clause (E) of this paragraph)" immediately after "case"; and

(B) Striking out "and" at the end of such clause;

(4) In clause (C)—

(A) Inserting "(other than a case referred to in clause (E) of this paragraph)" immediately after "case"; and

(B) Striking out "amount," and inserting in lieu thereof "amount;" and

(5) Inserting at the end thereof the following new clauses:

"(D) in the case (other than a case referred to in clause (E) of this paragraph) of a loan made for any purpose specified in section 3712 of this title, the amount of the fee shall be two percent of the total loan amount; and

"(E)(i) except as provided in subclause (ii) of this clause, in the case of a veteran who has previously obtained a loan guaranteed under this chapter, or made under section 3711 of this title, notwithstanding any other provision of this paragraph, and without respect to the purpose for which the loan is obtained or the amount of any downpayment made by the veteran, the amount of such fee shall be 2.5 percent of the total loan amount.

"(ii) This clause shall not apply to a person on active duty at the time the loan is closed, or to a loan obtained for the purpose specified in sections 3710(a)(8) or 3733(a) of this title."

(b) Section 3729(a) is amended by striking out paragraph (6) in its entirety.

PROCEDURES ON DEFAULT

SEC. 3. Section 3732(c) is amended by:

(a) striking out in paragraph (1)(C)(ii) "resale," and inserting in lieu thereof "resale (including losses sustained on the resale of the property)," and

(b) striking out paragraph (11) in its entirety.

MANUFACTURED HOME LOAN DOWNPAYMENT

SEC. 4. Section 3712(c)(5) is amended by striking out "95" and inserting in lieu thereof "90".

DOWNPAYMENT FOR MULTIPLE USE

SEC. 5. Section 3710(b) is amended by—

(a) In clause (5) striking out "clause (7) or (8)" and inserting in lieu thereof "clause (7), (8) or (9)";

(b) In clause (8), striking out "title," and inserting in lieu thereof "title; and"; and

(c) Inserting at the end thereof the following new clause

"(9)(A) except as provided in subclause (B) of this clause, in the case of a veteran who has previously obtained a loan guaranteed under this chapter, or made under section 3711 of this title, notwithstanding any other provision of this subsection, and without respect to the purpose for which the loan is obtained, the amount of the loan to be guaranteed under this section or made under section 3711 of this title does not exceed 90 percent of the reasonable value of the dwelling or farm residence securing the loan as determined pursuant to section 3731 of this title;

"(B) this clause shall not apply to a person on active duty at the time the loan is closed, or to a loan obtained for the purpose specified in subsection (a)(8) of this section."

EFFECTIVE DATES

SEC. 6. (a) The amendments made by sections 2, 4, and 5 of this Act shall apply to all loans closed on or after October 1, 1992.

(b) The amendments made by section 3 of this Act shall apply to all liquidation sales conducted on or after October 1, 1992.

SECTION-BY-SECTION ANALYSIS—DRAFT BILL, VETERANS' HOME LOAN IMPROVEMENT ACT OF 1992

Technical note: Unless otherwise clearly indicated, all references to sections, chapters,

etc., in the bill and this analysis refer to provisions in title 38, United States Code.

SECTION 2—REVISION OF LOAN FEE

Subsection (a) would make two substantive amendments to section 3729(a)(2) which imposes fees on persons obtaining loans guaranteed, insured, or made by the Secretary of Veterans Affairs (VA).

The fee imposed on manufactured home loans would be increased from 1.0 percent to 2.0 percent of the loan amount.

This subsection would also require a fee of 2.5 percent from veterans who have previously obtained a VA guaranteed or direct housing loan. That fee would apply regardless of the purpose of the loan or the amount of the downpayment. This new fee on subsequent use of loan entitlement would not apply, however, to persons on active duty in the Armed Forces, to veterans refinancing existing VA loans with a new loan at a lower rate of interest, or to veterans obtaining vendee loans.

The exemption to the fee in current law for disabled veterans and certain surviving spouses would not be altered.

Subsection (b) makes a technical change by deleting the expired section 3729(a)(6).

SECTION 3—PROCEDURES ON DEFAULT

Subsection (a) would revise the definition of "net value" to require VA to take into account the losses sustained on the resale of properties in determining whether or not to acquire a foreclosed property.

Subsection (b) would make permanent the claim payment and property acquisition provisions (the so-called "no-bid" formula) contained in section 3732(c). The current sunset for these provisions is December 31, 1992.

SECTION 4—MANUFACTURED HOME LOAN DOWNPAYMENT

Would amend section 3712(c)(5) to increase the downpayment required on VA guaranteed manufactured home loans from 5 percent to 10 percent.

SECTION 5—DOWNPAYMENT FOR MULTIPLE USE

Subsections (a) and (b) would make perfecting changes.

Subsection (c) would amend section 3710(b) to require a 10 percent downpayment on VA guaranteed home loans from veterans who have previously obtained a VA guaranteed or direct housing loan. This requirement would apply regardless of the purpose of the loan. It would not apply, however, to persons on active duty in the Armed Forces, or to veterans refinancing existing VA loans with a new loan at a lower rate of interest.

SECTION 6—EFFECTIVE DATES

Subsection (a) would apply sections 2 (revision of loan fee), 4 (manufactured home loan downpayment), and 5 (downpayment for multiple use of loan entitlement), to all loans closed on or after October 1, 1992.

Subsection (b) would apply section 3 (procedures on default) to all liquidation sales held on or after October 1, 1992.

THE SECRETARY OF

VETERANS AFFAIRS,

Washington, February 25, 1992.

Hon. DAN QUAYLE,

President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill "To amend title 38, United States Code, to provide for cost-savings in the housing loan program for veterans, and for other purposes." This is one of the Administration's legislative proposals to implement the President's program. Director Darman enclosed an advance copy of this bill in his letter to you of January 29. One

change, eliminating the sunset of the VA no-bid formula, has been made from that version. I request that this measure be referred to the appropriate committee and promptly enacted.

This measure, entitled the "Veterans' Home Loan Improvement Act of 1992" would make amendments to the Department of Veterans Affairs (VA) housing loan guaranty program to reduce the risk and costs of this program, while continuing to provide eligibility for all veterans.

A detailed section by section analysis of the draft bill and an analysis of changes made in existing law by the draft bill are also enclosed.

The bill would require veterans who have previously obtained a VA guaranteed or direct home loan and, after October 1, 1992, wish to obtain another VA guaranteed loan to pay a fee of 2.5 percent of the loan amount and make a downpayment of at least 10 percent. The VA loan program was originally enacted as a readjustment benefit. We believe it is equitable to ask veterans who have previously benefited from the program to pay for the risks incurred by VA with their second or subsequent home loan. The downpayment is also a reasonable requirement, now that the veteran would have built up equity in his/her last home. These new requirements will not apply, however, to active duty service personnel, or to veterans obtaining interest rate reduction refinancing loans. The effect of this proposal on the deficit is:

FISCAL YEARS

(In millions of dollars)

	1992	1993	1994	1995	1992-1995
Outlays	0	-43.8	-38.1	-37	-118.9

These savings assume enactment of the .75 percent fee increase in appropriations language as proposed in the President's FY 1993 Budget.

The bill would also revise the no-bid formula to take into account VA's loss on the resale of the property, and make that formula permanent. The formula used under current law is flawed; it assumes VA will resell the property for its appraised value at foreclosure. In many cases, however, the actual sales price is significantly less than the appraised value. This proposal would correct the flaw, resulting in fewer property acquisitions. This correction would produce the following effect on the deficit:

FISCAL YEARS

(In millions of dollars)

	1992	1993	1994	1995	1992-1995
Outlays	0	-615.9	-85.3	-88.1	-789.3

Finally, the bill would increase the fee charged to veterans obtaining manufactured housing loans from 1 percent to 2 percent of the loan amount. It would also increase the downpayment required on such loans from 5 percent to 10 percent. This proposal would produce the following effect on the deficit:

FISCAL YEARS

(In millions of dollars)

	1992	1993	1994	1995	1992-1995
Outlays	0	-0.3	-0.3	-0.2	-0.8

The VA home loan program has been and continues to be of great importance to

present and former members of the Nation's Armed Forces who seek to become homeowners. We are mindful that the cost to the taxpayers of operating the program and paying claims on loans resulting in foreclosure are significant. Since the loan guaranty program provides a unique benefit for a select group of beneficiaries, we believe the measures proposed are reasonable, and are necessary to preserve this important benefit.

The net effect of this draft bill on the deficit is:

FISCAL YEARS
(In millions of dollars)

	1992	1993	1994	1995	1992-1995
Outlays	0	-660	-123.7	-125.3	-909

The Omnibus Budget Reconciliation Act (OBRA) requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase in the deficit; and, if it does, it must trigger a sequester if it is not fully offset. The "Veterans' Home Loan Improvement Act of 1992" would decrease direct spending. Considered alone, it meets the pay-as-you-go requirement of OBRA.

However, the President's FY 1993 Budget includes several proposals that are subject to the pay-as-you-go requirement. Although in total these proposals would reduce the deficit, some individual proposals increase the deficit. Therefore, this bill should be considered in conjunction with the other proposals in the FY 1993 Budget.

We are advised by the Office of Management and Budget that there is no objection to the submission of this draft bill to Congress, and that its enactment would be in accord with the program of the President.

Sincerely yours,

EDWARD J. DERWINSKI.

S. 2380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFERENCES TO TITLE 38, UNITED STATES CODE.

Whenever in the Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. LIMITATION OF REHABILITATION PROGRAM ENTITLEMENT TO SERVICE-DISABLED VETERANS RATED AT 30 PERCENT OR MORE.

(a) IN GENERAL.—Section 3102(1) is amended by striking out "20 percent" each place it appears and inserting in lieu thereof "30 percent".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to veterans and other persons originally applying for Assistance under chapter 31 of title 38, United States Code, on or after October 1, 1992.

SEC. 3. INCREASE IN BASIC MILITARY PAY REDUCTION FOR CHAPTER 30 MONTGOMERY GI BILL PARTICIPANTS.

Chapter 30 of title 38, United States Code, is amended—

(1) in sections 3011(b) and 3012(c), by striking out "be reduced by \$100" each place it appears and inserting in lieu thereof "(1) in the case of an individual who first entered on active duty before October 1, 1992, be reduced by \$100, and (2) in the case of an individual who first entered on active duty on or after October 1, 1992, be reduced by \$117," respectively; and

(2) in section 3018A(b), by inserting before the period the following: "in the case of an individual whose involuntary separation is effective before October 1, 1992, and by \$1400 in the case of an individual whose involuntary separation is effective on or after October 1, 1992".

SECTION-BY-SECTION ANALYSIS

SECTION 1—REFERENCES TO TITLE 38, UNITED STATES CODE

Section 1 provides that, unless otherwise specified, whenever in the proposal an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SECTION 2—LIMITATION OF REHABILITATION PROGRAM ENTITLEMENT TO SERVICE-DISABLED VETERANS RATED AT 30 PERCENT OR MORE

This section would amend chapter 31 of title 38, United States Code, to limit entitlement to a rehabilitation program under that chapter to veterans entitled to compensation (or who would be so entitled if not for receipt of military retired pay) under laws administered by VA for a service-connected disability rated at 30 percent or more.

This section would apply to veterans and other persons originally applying for assistance under chapter 31 of title 38, United States Code, on or after October 1, 1992.

SECTION 3—INCREASE IN BASIC MILITARY PAY REDUCTION FOR CHAPTER 30 MONTGOMERY GI BILL PARTICIPANTS

This section would amend sections 3011(b), and 3018A(b) of chapter 30 to increase the basic military pay reduction required for Montgomery GI Bill-Active Duty program participation to \$117 per month for 12 months. The increase only would apply in the case of a participant who first enters active duty on or after October 1, 1992. Thus, the pay reduction would remain at \$100 per month for those participants who first entered active duty before October 1, 1992. This amendment, thereby, would restore the 9:1 ratio of benefits to basic-pay-reduction by increasing the latter amount in proportion to the increase in chapter 30 educational assistance payments enacted by the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25).

THE SECRETARY OF VETERANS AFFAIRS,
Washington, February 25, 1992.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, United States Code, to target entitlement for vocational rehabilitation benefits under chapter 31 to veterans with service-connected disabilities rated 30 percent or more; to adjust the basic military pay reduction for chapter 30 Montgomery GI Bill participants in proportion to the increased amount of assistance provided under such chapter; and for other purposes."

This is one of the Administration's legislative proposals to implement the President's program. Director Darman enclosed an advance copy of this bill in his letter to you of January 29, and no changes have been made from that version.

This measure would make an amendment to the vocational rehabilitation program administered by the Department of Veterans Affairs (VA) to better target resources on

those persons most in need of the benefits the VA program was intended to provide.

Section 2 of the draft bill would amend chapter 31 to limit vocational rehabilitation program entitlement to disabled service-veterans rated 30 percent or more. Currently, a minimum 20 percent service-connected disability rating is required for entitlement.

Section 3 of the bill would amend chapter 30 to increase the service member's basic pay reduction required for chapter 30 Montgomery GI Bill participation in proportion to the benefit increases authorized by Public Law 102-25. This would maintain the original 9:1 government-to-participant match. Both provisions would be effective as of October 1, 1992.

The effect of this draft bill on the deficit is:

Fiscal years
(In millions of dollars)

Outlays:	
1992	-43
1993	-49
1994	-59
1992-95	-151

The Omnibus Budget Reconciliation Act (OBRA) requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase in the deficit; and, if it does, it must trigger a sequester if it is not fully offset. This draft bill would decrease direct spending. Considered alone, it meets the pay-as-you-go requirement of OBRA.

However, the President's FY 1993 Budget includes several proposals that are subject to the pay-as-you-go requirement. Although in total these proposals would reduce the deficit, some individual proposals increase the deficit. Therefore, this bill should be considered in conjunction with the other proposals in the FY 1993 Budget.

We are advised by the Office of Management and Budget that there is no objection to the submission of the draft bill to Congress, and its enactment would be in accord with the program of the President.

Sincerely yours,

EDWARD J. DERWINSKI.

S. 2381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Medical Care Cost Recovery Amendment of 1992".

SEC. 2. Section 1729 of title 38, United States Code, is amended in subsection (a)(2)(E) by striking out "before October 1, 1993,".

SECTION-BY-SECTION ANALYSIS

Section 1 of the draft bill states the bill's title: "Medical Care Cost Recovery Amendment of 1992".

Section 2 would remove the sunset provision in the statute with respect to recoveries from health insurance of veterans with service-connected disabilities when they are treated for their nonservice-connected conditions. The sunset provision was included in the authority to pursue these recoveries as part of the Omnibus Budget Reconciliation Act of 1990.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, February 25, 1992.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To amend title 38, United States Code,

to make permanent the authority to collect reimbursement from health insurers and others for non-service-connected care provided to service-connected veterans." This is one of the Administration's legislative proposals to implement the President's program. Director Darman enclosed an advance copy of this bill in his letter to you of January 29, and no changes have been made from that version.

This measure, entitled the "Medical Care Cost Recovery Amendment of 1992," would repeal the October 1, 1993, sunset provision in section 1729 of title 38, United States Code, which applies with respect to recoveries from health insurance of veterans with service-connected disabilities when they are treated for their nonservice-connected conditions. The sunset provision was included in the authority to pursue these recoveries as part of the Omnibus Budget Reconciliation Act of 1990.

The effect of this draft bill on the deficit is:

Fiscal years
(In millions of dollars)

Outlays:	
1992	
1993	
1994	-225
1995	-255
1992-95	-480

The Omnibus Budget Reconciliation Act (OBRA) requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase in the deficit; and if it does, it must trigger a sequester if it is not fully offset. The "Medical Care Cost Recovery Amendment of 1992" would decrease direct spending. Considered alone, it meets the pay-as-you-go requirement of OBRA.

However, the President's FY 1993 Budget includes several proposals that are subject to the pay-as-you-go requirement. Although in total these proposals would reduce the deficit, some individual proposals increase the deficit. Therefore, this bill should be considered in conjunction with the other proposals in the FY 1993 Budget.

We are advised by the Office of Management and Budget that there is no objection to the submission of the draft bill to Congress, and its enactment would be in accord with the program of the President.

Sincerely yours,

EDWARD J. DERWINSKI.

S. 2382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Use of Internal Revenue Service and Social Security Administration Data for Income Verification.

(a) Section 6103(1)(7) of the Internal Revenue Code of 1986 is amended by striking out "Clause (viii) shall not apply after September 30, 1992." at the end thereof.

(b) Section 5317 of title 38, United States Code, is amended by striking out subsection (g).

Sec. 2. Reduction in Pension for Certain Veterans Receiving Medicaid-Covered Nursing Home Care.

Section 5503(f) of title 38, United States Code, is amended by striking out paragraph (6).

THE SECRETARY OF VETERANS AFFAIRS,
Washington, February 25, 1992.

HON. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: I am forwarding a draft bill "To amend titles 26 and 38, United

States Code, to make permanent certain income-verification and pension provisions of the Omnibus Budget Reconciliation Act of 1990," and request that it be referred to the appropriate committee for prompt consideration and enactment.

This is one of the Administration's legislative proposals to implement the President's program. Director Darman enclosed an advance copy of this bill in his letter to you of January 29, and no substantive changes have been made from that version.

Several of the veterans-program provisions of the Omnibus 1990 budget act ("OBRA") were time limited by "sunset" clauses. Our proposal would make two of these provisions permanent in recognition of their continuing merit.

Section 8051 of OBRA authorized VA to obtain certain third-party and self-employment tax information from the Internal Revenue Service, Social Security Administration and Department of Treasury for use in verifying eligibility for VA need-based programs (pension, parents dependency and indemnity compensation, and certain health-care services). It also authorized VA to use wage and self-employment information from these sources for purposes of verifying eligibility for total-disability ratings for compensation purposes based upon individual unemployment. Use of this information has already enabled the Department to recognize substantial savings through identification of program abuses, and removal of the September 30, 1992 sunset clause would make permanent our access to these important verification data.

Section 2 of our bill would also make permanent provisions of 38 U.S.C. §5503(f), added by OBRA, which pay up to \$90 monthly in VA pension to an eligible veteran, without dependents, while the veteran is covered by a Medicaid plan for services furnished him or her by a nursing facility (other than a State veterans' nursing home). The veterans themselves would retain all of the pension payments. This provision permits nursing home costs of needy, wartime veterans to be met by Medicaid while still allowing them reasonable amounts of pension with which to meet personal needs.

The effect of this draft bill on the deficit is:

FISCAL YEARS
(In millions of dollars)

	1992	1993	1994	1995	1992-95
Outlays:					
Sec. 1					
Sec. 2	-13.9	-31	-49.9	-94.8	
Total	-61.7	-63	-63.8	-188.5	
Total	-75.6	-94	-113.7	-283.3	

The Omnibus Budget Reconciliation Act (OBRA) requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase in the deficit; and if it does, it will trigger a sequester if it is not fully offset. This draft bill would decrease direct spending. Considered alone, it meets the pay-as-you-go requirement of OBRA.

However, the President's FY 1993 Budget includes several proposals that are subject to the pay-as-you-go requirement. Although in total these proposals would reduce the deficit, some individual proposals increase the deficit. Therefore, this bill should be considered in conjunction with the other proposals in the FY 1993 Budget.

We are advised by the Office of Management and Budget that there is no objection

to the submission of the draft bill to Congress, and its enactment would be in accord with the program of the President.

Sincerely yours,

EDWARD J. DERWINSKI.

By Mr. CRANSTON (by request):

S. 2383. A bill to amend title 38, United States Code, to ratify the Department of Veterans Affairs interpretation of the provisions of section 1151 of title 38, United States Code; to the Committee on Veterans' Affairs.

EXPANSION OF DEPARTMENT OF VETERANS
AFFAIRS LIABILITY

• Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I am today introducing, by request, S. 2383, a bill to amend title 38, United States Code, to ratify the Department of Veterans Affairs interpretation of the provisions of section 1151 of title 38, United States Code. The Secretary of Veterans Affairs submitted this legislation by letter dated March 13, 1992, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all Administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the March 13, 1992, transmittal letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2383

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 1151 of title 38, United States Code, is amended to read as follows:

"§1151. Benefits for persons disabled by treatment or vocational rehabilitation

"(a) Subject to subsection (b) of this section, where any veteran shall have suffered an injury, or an aggravation of an injury, as the result of hospitalization, medical or surgical treatment, or the pursuit of a course of vocational rehabilitation under chapter 31 of this title, awarded under any of the laws administered by the Department of Veterans Affairs, or as a result of having submitted to an examination under any such law, and not the result of such veteran's own willful misconduct, and such injury or aggravation results in additional disability to or the death of such veteran, disability or death compensation under this chapter and dependency and indemnity compensation under chapter 13 of this title shall be awarded in the same manner as if such disability, aggravation, or death were service-connected.

"(b) Benefits under subsection (a) are not payable for either the expected or reasonably foreseeable after results of approved medical or surgical care properly administered, in

the absence of a showing that additional disability or death proximately resulted through carelessness, negligence, lack of proper skill, error in judgment, or similar instances of indicated fault on the part of the Department of Veterans Affairs. However, benefits under subsection (a) are payable in the event of the occurrence of an accident (an unexpected, not reasonably foreseeable event) causing additional disability or death proximately resulting from Department of Veterans Affairs hospitalization or medical or surgical care.

"(c)(1) A person who receives compensation pursuant to a settlement, compromise, or judgment under the Federal Tort Claims Act, 28 U.S.C. §1346(b) and 28 U.S.C. §§2670-2680 for personal injury or death shall not receive benefits under subsection (a) of this section until the amount of compensation distributed to the person equals the amount of benefits that would have been paid under this section.

"(2) Where a settlement, compromise, or judgment under the Federal Tort Claims Act is entered after benefits have been awarded under this section, the United States shall be entitled to a credit in the settlement, compromise, or judgment for amounts previously paid under this section.

"(3) Where a settlement, compromise, or judgment under the Federal Tort Claims Act is entered after benefits have been awarded under this section, further benefits shall be withheld after the beginning of the month following the month in which the settlement, compromise, or judgment is sent to the General Accounting Office for payment.

"(4) Where entitlement to benefits under subsection (a) of this section is established but benefits have not been paid prior to a settlement, compromise, or judgment under the Federal Tort Claims Act, then no retroactive award of benefits under subsection (a) shall be made except for the amount of the retroactive benefits payable which exceeds the amount to be distributed to the person under the settlement, compromise, or judgment. Benefits that would have been paid but for this subsection shall be applied to reduce the aggregate amount subject to withholding under subsection (c)(1).

"(5) For purposes of determining the amount of compensation distributed to a person in a settlement, compromise, or judgment, the Secretary shall include:

(A) In a lump-sum payment, the portion of the money distributed to the person as well as money constructively received by the person such as a proportionate share of attorney fees and costs.

(B) Where there are periodic payments, the cost of the portion of the settlement, compromise, or judgment that will be distributed to the person on a periodic basis as well as the lump-sum payments to that person and a pro rata share of the attorney fees."

SEC. 2. The provisions of this Act shall apply to all pending and future claims, including both initial and reopened claims, for benefits under this section. The enactment of subsection 1151(c) of title 38, U.S. Code by this Act shall apply to pending and future administrative tort claims or pending or future litigation under the Federal Tort Claims Act.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, March 13, 1992.

The Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38,

United States Code, to ratify the Department of Veterans Affairs' interpretation of the provisions of section 1151 of title 38, United States Code." We request that it be referred to the appropriate committee for prompt consideration and enactment.

Section 1151 of title 38 (formerly section 351) provides benefits to veterans who suffer additional disability or death from an injury or aggravation of injury resulting from examination, hospitalization, medical or surgical treatment, or the pursuit of a course of vocational rehabilitation provided pursuant to laws administered by the Department of Veterans Affairs (VA). These benefits are awarded as if the additional disability or death were service-connected.

Section 1151 was originally enacted in 1924, as part of the World War Veterans' Act, Pub. L. No. 68-242, 43 Stat. 607. In 1923, the Disabled American Veterans (DAV) proposed that individuals disabled during vocational rehabilitation training should receive benefits as if those injuries were service connected, since there was otherwise no mechanism for providing compensation for such disabilities.

VA (then the Veterans' Bureau) expanded the DAV proposal to include providing benefits for additional disability or death from injuries or aggravation of injuries received as a result of examination, hospitalization, or medical or surgical treatment provided by the VA. In proposing the benefits that were eventually codified at section 1151, General Frank Hines, Administrator of the Veterans' Bureau, explained, "[s]o also in cases of hospitalization * * * where without fault of the patient, as the result of accident or negligence of treatment or unskillfulness—things that must sometimes happen—the patient is further injured or disabled, there is at present no provision for compensating him. * * *." Letter to President Calvin Coolidge, December 19, 1923.

At the time section 1151 benefits were provided in 1924, no compensation or other legal recourse was available to veterans injured as the result of negligent care at a VA hospital. Section 1151 provided a mechanism for compensation for injury resulting from VA negligence which was otherwise unavailable. However, this lack of legal redress for such injuries in 1924 has now been addressed in other legislation. With passage of the Federal Tort Claims Act, 28 U.S.C. §§2671-2680, veterans have had, since 1946, a mechanism under which they may seek compensation for injury or disability sustained as the result of fault of VA.

Further, prior to 1924 when section 1151 benefits were initiated as part of the World War Veterans' Act, VA hospitals served only veterans with service-connected disabilities. If a veteran with a service-connected disability sustained an injury as the result of care at the VA hospital or during pursuit of vocational rehabilitation, the veteran was not entitled to monetary benefits or even care for that injury at VA expense. Section 1151 benefits remedied this problem by providing benefits as if such injuries were service-connected, thereby providing monetary benefits and allowing the veteran to continue to receive care. In addition, the World War Veterans' Act expanded medical care benefits for nonservice-connected conditions.

In providing benefits under section 1151, the VA historically has required a showing of fault, such as negligence, on the part of the VA in order for a claimant to be eligible. Based on a 1978 interpretation, benefits may also be granted upon a showing of "accident," which has most recently been defined

as an occurrence which is not reasonably foreseeable. Under the VA interpretation and regulations implementing section 1151, benefits have not been made available for additional disability due to natural progression of disease or for contemplated or reasonably foreseeable risks or complications of medical care, if that medical care has been properly provided.

Enactment of legislation to ratify the current VA interpretation of 38 U.S.C. §1151 is necessary in light of a recent decision of the United States Court of Veterans Appeals (COVA) greatly expanding the availability of benefits under section 1151. In *Gardner v. Derwinski*, No. 90-120 (U.S. Ct. Vet. App. Nov. 25, 1991) the Court of Veterans Appeals rendered a decision apparently requiring VA to provide benefits to veterans who experience an increase in disability, or to their survivors in cases involving the veteran's death during hospitalization, regardless of the circumstances under which the disability or death arose. Under the recent COVA decision, VA may be required to compensate veterans for injuries resulting in disabilities or death which were the foreseeable course of the condition for which the veterans sought treatment and which occurred despite appropriate medical care properly provided within the standard of care. Mandating compensation for any disability or death from an injury occurring as a result of VA treatment, regardless of the nature or seriousness of the condition for which treatment is sought, and regardless of whether medical science offers the capability to prevent such injury, makes the VA an insurer of the results of care.

We are also very much concerned that the court's decision could have a detrimental effect on the willingness of VA health-care personnel to provide high-risk but potentially beneficial forms of therapy because any adverse patient outcomes would be subject to administrative scrutiny. This may be especially true in light of recent public criticisms of VA patient care. In addition to treatment of psychiatric patients (given the known frequency of adverse drug reactions to certain psychotropic medications), both oncology and neurosurgery could be profoundly affected, with results detrimental to VA's research and teaching programs.

For example, the recent COVA decision suggests that VA may be required to compensate for loss of a limb where a diabetic veteran has sought treatment for gangrene and surgery to remove the limb is competently performed in order to preserve the veteran's life. Requiring VA to compensate a veteran for a disability which results from necessary treatment to halt the natural progression of the condition for which treatment was sought, where that disability is the anticipated, even unavoidable result of properly provided medical treatment, with compensation being required even though the veteran has given an informed consent to the treatment, is, we believe, beyond the contemplation of Congress and absurd in light of modern concepts of liability for results of medical care.

We believe the increased availability of benefits under section 1151 as required by the 1991 COVA decision would be fiscally irresponsible as well as contrary to the intent of Congress when it first enacted this benefit in 1924. Our preliminary estimate is that such an expansion of benefits could, at the very least, result in additional section 1151 payments of \$310 million in one year and \$5 billion over five years. This estimate includes only the additional benefits and administrative costs associated with iatrogenic (inad-

vertently induced by a physician or treatment) injury cases. Iatrogenic injury cases are estimated, based on the findings of the Harvard Medical Practice Study, (v. 324 *New England J. Med.*, 2/7/91), to increase the current section 1151 caseload from 800 cases to 30,000 cases, nearly a forty-fold increase. This estimate does not include costs associated with "natural progression" of disease cases, nor does it include retroactive benefits. These additional costs are impossible to estimate at this time, but could increase costs exponentially.

In addition to codifying the current VA interpretation of section 1151, VA proposes to clarify certain provisions in the statute which govern the offset of benefits under section 1151 when the claimant also receives compensation under the Federal Tort Claims Act. Subsection (c) of the proposed legislation is intended generally to recodify the existing offset provision, with clarifications included in the proposed statutory language to avoid problems with interpreting the provision. In addition to clarifying certain questions regarding offset of the two benefits, proposed subsection (c) also provides certain technical changes to ensure the likelihood that benefits received under section 1151 offset benefits due under the Federal Tort Claims Act or to avoid application of other mechanisms which may currently result in a beneficiary receiving double payment.

Proposed 38 U.S.C. §1151(c)(1) specifies that a person who receives compensation under the Federal Tort Claims Act shall not receive benefits under section 1151 until the amount of the withheld VA benefits equals the amount of tort compensation distributed to that person. The intent of this subsection is to avoid double receipt of monies by a person on account of the same injury or death. Thus, a person's receipt of compensation pursuant to a Federal Tort claim will result in the offset of section 1151 benefits regardless of whether the person receives the compensation directly under the settlement, compromise, or judgment or indirectly pursuant to a distribution of the veteran's estate.

Subsection (c)(2) explicitly states the existing rule that the Government is entitled to a credit for past benefits under section 1151 when damages are computed in a tort action. See *United States v. Kubrick*, 444 U.S. 111 n.5 (1979).

Subsection (c)(3) specifies that the withholding period for benefits shall begin the month following the month in which the settlement, compromise, or judgment is sent to the General Accounting Office (GAO) or other financial disbursement center for payment. The existing language states that no benefits shall be paid "for any month beginning after the date such judgment, settlement, or compromise . . . becomes final." Choosing the date that a settlement or judgment is sent to GAO for payment as the triggering date is much more finite and ascertainable. Under current language a settlement could be held to be "final" when signed by the claimants, when signed by appropriate VA or Department of Justice officials, when approved by the Department of Justice, when approved by a court, when sent to GAO, or when actually paid. In litigated cases that are settled, which represent approximately 25 percent of all tort claims handled by the VA, the General Counsel is virtually always apprised of the date that the settlement was transmitted to GAO. This is also known in all cases settled within the Department and, therefore, is the most appropriate choice.

Subsection (c)(4) specifies that where benefits under section 1151 are granted but have

not been paid before a tort award, then no retroactive payment will be made except for the amount of a retroactive payment that exceeds the tort award. The existing language has permitted the interpretation that a large retroactive benefits award can be made even though all future benefits will be offset. For an example of existing practice, a tort claim and benefits claim could be filed the same day and each could take two years to resolve in the claimant's favor. The claimant would be advised that, because of the settlement of the tort claim, all future benefits under section 1151 would be withheld until the aggregated amount of the benefits equaled the amount of the tort settlement; however, a large check for two years of past benefits would still be issued at approximately the same time as the tort settlement. This does not accomplish the purposes of compensation under section 1151, and it defeats the purpose of the withholding provision. Where benefits have never been paid before the tort settlement and the claimant has not relied on them for daily expenses, it is more sensible to apply the retroactive benefits to the aggregate, subject to withholding.

Subsection (c)(5) sets forth the method for computing the amount of a tort award that is subject to offset. The intent of the subsection is to clarify that the fact that a person has received a tort award from the Government for injury or death is more important than the legal capacity in which he or she received it or the elements of damages represented thereby. When computing how much a person has received from a settlement, the proceeds distributed to him or her, whether as a beneficiary of a wrongful death award or as a distributee of damages recovered by the veteran's estate in a survival action, plus a pro rata share of attorney fees shall be included. Where the tort award is in the form of a structured settlement or judgment, a person's share will include any lump-sum distribution, the cost of the annuities that will result in periodic payments, and a pro rata share of attorney fees. This is illustrated by the following examples.

Example 1. A veteran sustains injuries during VA medical treatment and receives a tort settlement of \$200,000 representing both economic loss and pain and suffering. An attorney fee of \$40,000 is paid out of the settlement. The amount to be offset from the veteran's compensation is \$200,000.

Example 2. A veteran sustains injuries during VA medical treatment and receives a structured settlement that will pay \$1,000 per month for life, increasing at 3 percent annually, with lump-sum payments of \$10,000 every 5 years, and a lump sum at the time of settlement of \$50,000. Attorney fees of 20 percent of the cost are included in the settlement. The amount to be offset from the veteran's compensation is the \$50,000 "up front," the cost of the annuity that provides for monthly and future lump-sum payments, and the attorney fees.

Example 3. A veteran sustains injuries during VA medical treatment and receives a structured settlement that will pay \$100,000 to him "up front," \$2,000 per month for life, increasing at 3 percent annually, a reversionary medical trust seeded with \$100,000 and monthly payments of \$2,000 increasing at 3 percent annually, and attorneys fees. The amount to be offset from the veteran's compensation is the \$100,000 payment to him, the \$100,000 payment to the medical trust, the cost of the annuity providing the monthly payments to him and to the medical trust, and the attorney fee.

Example 4. A veteran sustains injuries and dies as the result of VA medical treatment. The surviving spouse, as personal representative of the veteran's estate, receives a \$100,000 settlement for the veteran's pain and suffering and wrongful death. From the settlement, the surviving spouse receives \$40,000, two children each receive \$20,000, and the attorney fee is \$20,000. The amount received by the surviving spouse for VA purposes is \$50,000, which includes one half of the attorney fee, since she received one half of the distributed funds.

Example 5. A veteran sustains injuries and dies as the result of VA medical treatment. The surviving spouse agrees to a structured settlement that will cost \$500,000 and be distributed as follows: \$100,000 for the attorney fee, \$100,000 "up front" to the surviving spouse, \$50,000 "up front" to the veteran's parents, a \$1,000 monthly payment to the surviving spouse from an annuity costing \$200,000 and a \$500 monthly payment to the parents from an annuity costing \$50,000. The amount received by the surviving spouse for VA purposes is \$375,000—the \$100,000 up-front cash, the \$200,000 annuity, and 75 percent of the attorney fees.

This draft bill is subject to the pay-as-you-go provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1990. OBRA 1990 requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase in the deficit; and if it does, it will trigger a sequester if not fully offset. This draft bill, which would reverse the court decision and ratify the Department's previous and longstanding interpretation of the provisions of section 1151 of title 38, United States Code, would not result in either pay-as-you-go costs or savings to the Government. However, if the bill is not enacted, the compensation program would incur significant additional costs (well over \$5 billion over 5 years) beyond those projected in the President's FY 1993 Budget.

We have been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

EDWARD J. DERWINSKI.*

By Mr. COATS (for himself, Mr. BOREN, Mr. MCCONNELL, Mr. DOLE, Mr. NICKLES, Mr. GRASSLEY, Mr. FORD, Mr. LUGAR, Mrs. KASSEBAUM, Mr. LOTT, Mr. BURNS, Mr. SIMPSON, Mr. KASTEN, and Mr. BRYAN):

S. 2384. A bill to amend the Solid Waste Disposal Act to require the owner or operator of a solid waste disposal facility to obtain authorization from the affected local government before accepting waste generated outside of the State, and for other purposes; to the Committee on Environment and Public Works.

DISPOSAL OF MUNICIPAL SOLID WASTE

Mr. COATS. Mr. President, yesterday an article appeared in the Hammond Times newspaper which accurately reflects the attitude that some have toward our State. A New Jersey businessman, owner of an independent Indiana landfill receiving large amounts of long-haul trash from the East, suggested that Hoosiers should be pleased

that other States want to use Indiana as a dump. In fact, he went as far to say, "With all the money the State is making in out-of-State trash, I would think they would have a sign out at the border saying, 'Welcome out-of-State waste'."

I want to inform that gentleman and anybody else who is shipping trash into Indiana that out-of-State trash is not making our State rich. It is making our landfill space scarce. It is causing great harm to our environment. And we have a State of frustrated individuals who are tired of being dumped on with trash from out of State.

I have recounted in the past on this floor tales of these out-of-State operators, with no ties or concerns for the communities that they target, who have turned a quick buck at the expense of our environment, at the expense of our State and our communities. Their credo seems to be, "Pollute for loot then scoot"—dump the trash and hightail it out of the State; make a quick buck at our expense.

Last year, the State of Indiana took in 528 pounds of imported trash for every man, woman, and child in my State. Put another way, if I were standing here holding a garbage bag full of out-of-State trash, every Indiana family of four last year received 400 bags worth of trash from other States.

Some say this is trivial. I think it is anything but trivial. It is, in fact, the solid undeniable evidence of a hidden avalanche of trash that pours into our State on a daily basis. In 1980, we had 150 landfills in Indiana. Today, 80 remain. Another 31 are scheduled to close in the next 5 years. At that point, 54 of Indiana's 92 counties will have no landfill capacity of their own.

The clock is ticking. We have less than 7 years' landfill capacity left. Yet no community in my State wants to build or expand an existing landfill or build a new one. They know that as soon as it is opened, it will be filled to capacity, not with waste from our own communities, which we are willing to take care of, but with waste rolling across Interstate 70 from other States—trucks lining up at our landfills daily to dump their cargo, or placed on trains, shipped to transfer points, and shipped into Indiana overnight.

This is not just a problem for the State of Indiana. It is a national problem. The heartland of our Nation is fast becoming a wasteland as landfills in Kentucky, Oklahoma, Ohio, Pennsylvania, and other States fill up with out-of-State trash.

My colleagues in the Western States have also taken special note of this crisis because, to put it plainly, they know they are next. And, in fact, some of them are already on the receiving end of long-hauled, out-of-State trash.

Shipping trash out of State is politically less painful for some States than

siting new capacity and often is cheaper. And as a result, some States are attempting to deal with their waste problems by putting it on trucks and creating a waste problem in somebody else's back yard.

Today, Mr. President, I am introducing a proposal, the second such proposal that I have introduced, to deal with this problem. This proposal achieves the same goal as the first proposal, which not only was introduced in this body but which passed by a bipartisan, more than 2-to-1, majority nearly a year-and-a-half ago, by a vote of 68-31.

This is not a partisan issue. My amendment passed in this body to give the States the authority to say "no" to out-of-State trash. Unfortunately, we could not get the House of Representatives to concur in what the Senate has done, and my amendment was killed in a conference committee deal.

We are back now, having introduced that same piece of legislation several months ago, with another bipartisan effort to deal with this problem. The legislation that I am introducing today is cosponsored by Senator BOREN from Oklahoma, and he is joined by Senator MCCONNELL, Senator DOLE, Senator NICKLES, Senator GRASSLEY, Senator FORD, Senator LUGAR, Senator KASSEBAUM, Senator LOTT, Senator BURNS, Senator SIMPSON, Senator KASTEN, and Senator BRYAN. This is the beginning of what I anticipate to be a significant list of Senators that are saying: We are at risk also and our States need the right to say "no" to out-of-State trash.

The solution to this problem is not just dumping it in somebody else's back yard. This bill introduced today gives individual communities the right to say "no" to out-of-State trash. It provides a safety net for Governors to say the State can only absorb so much, so much capacity is left. It requires States, through planning, to take responsible steps to deal with their own waste.

We are not saying in Indiana and Oklahoma and other States around the Nation that we are unwilling to recognize the problem and unwilling to take steps to deal with the waste. We are willing to address our own problems. Our State has an ambitious plan for dealing with waste. We will take care of our own problem in an environmentally sensitive way. But we will never be able to accomplish our goals of being environmentally responsible in terms of dealing with our own waste if we are the recipient of other States' waste. It overwhelms our ability to do so.

So we are simply saying we need the right to say "no." When a community says we need to expand a landfill or build a new one to serve the needs of this community, we realize we are not building it for some State out east to dump their trash. It is for our own capacity.

Communities have gone through the agonizing and painful process of getting approval for expanding their own landfill, thinking that they are going to deal with their own problems in a responsible way. They are assured that this action will provide them landfill capacity for the next 30 to 40 years for generation of their own trash. Suddenly, 3 years later, they find that the landfill is virtually full, because it had become a dumping site for convoys of trash rolling across the heartland of America.

The bill is a consensus approach. It represents another effective, workable alternative which we ask the Senate Environment Committee to consider.

At this point, I want to give special thanks to Senator BAUCUS and Senator CHAFEE for their willingness to have the Senate Subcommittee on the Environment examine this legislation. They have worked with us in seeking a responsible solution. And we are working toward bringing that solution to fruition during this session of the Congress.

This approach is gaining momentum in the House as well, as various States find that it is, indeed, a problem in their States. Many Members of the House are joining in our efforts to come forward with a responsible measure to deal with this problem.

Both of these bills, as I said, are consistent, giving the right to say "no" back to the people most affected, the people in the States and the localities that are recipients of the trash; both solutions will clearly solve our problem. Whether we go with the first bill I introduced, or the second, it is clear that we need authority now to stop unwanted trash. A solution next year or in the following years will be akin to offering medical treatment at the funeral. Our landfills are filling up, the clock is ticking, and there simply is not time to wait several years to work this problem out.

Senator BAUCUS and I have agreed that we need to move on this, that we need to place this issue in the context of the Resource Conservation Recovery Act reauthorization that we will move by April 30 of this year, and that we are prepared to take whatever steps are necessary, if the Congress is not willing to move forward, to take the steps to protect our environment. We have tried the path of patience. We have waited our turn and bided our time. But the trucks continue to roll, and the rotting garbage mounts higher every day. So we look forward to a resolution of our environmental crisis.

Mr. President, this bill is an important step forward in dealing with a critical national problem that needs to be addressed now. So I thank my colleagues who have agreed to be original cosponsors.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTERSTATE TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"SEC. 4011. INTERSTATE TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

"(a) PROHIBITION ON RECEIPT OF OUT-OF-STATE WASTE.—It shall be unlawful for the owner or operator of a landfill, incinerator, or other waste disposal facility in a State to receive for disposal or incineration any municipal solid waste generated outside of the State unless the owner or operator—

"(1) obtains authorization to receive such waste from the affected local government; or
 "(2) during the period described in subsection (c)(3), meets all applicable conditions described in paragraph (1) or (2) of subsection (c).

"(b) AUTHORIZATION.—

"(1) NOTICE AND OPPORTUNITY FOR PUBLIC COMMENT.—Each affected local government shall provide notice and opportunity for public comment before making any determination concerning a request for authorization pursuant to subsection (a).

"(2) NOTIFICATION OF GOVERNOR.—As soon as is possible after the issuance of an authorization under subsection (a), the appropriate official of the affected local government shall notify the Governor of the State of the issuance. Such notice shall include information on the amount of municipal solid waste generated outside of the State that will be disposed of in the State under the authorization.

"(3) AUTHORITY OF THE GOVERNOR.—(A)(i) Not later than 30 days after receipt of the notification described in paragraph (2), the Governor may approve or disapprove the authorization issued by the affected local government if the Governor determines that, for any calendar year of the period of such authorization, such authorization will result in the disposal of municipal solid waste generated outside of the State in an amount that exceeds 30 percent of the total volume of municipal solid waste disposed of in the State during the preceding calendar year.

"(ii) If the Governor takes no action to approve or disapprove the authorization within the 30-day period described in clause (i), the authorization shall be deemed to be approved by the Governor.

"(4) ISSUANCE OF AUTHORIZATION.—(A) In issuing an authorization under subsection (a), an affected local government may—

"(i) impose limitations on the amount of municipal solid waste generated outside of the State (by volume or tonnage) that may be received for disposal by the landfill, incinerator, or other waste disposal facility; and

"(ii) authorize or impose fees on such municipal solid waste.

"(B) The fees or limitations authorized or imposed by an affected local government pursuant to subparagraph (A) may differ from the fees or limitations authorized or imposed by the affected local government on municipal solid waste generated within the State.

"(5) TERMINATION OF LOCAL AUTHORIZATION.—An authorization under subsection (a)

shall terminate if any operating permit issued by the State to the owner or operator of a landfill, incinerator, or other waste disposal facility is revoked or suspended, or if an application to renew any such permit is denied.

"(c) CONDITIONS AND LIMITATIONS.—

"(1) LANDFILLS.—The prohibition under subsection (a)(1) shall not apply to an owner or operator of a landfill that—

"(A) notwithstanding the effective date of such regulations (or any provision of such regulations relating to applicability), on or after the date of the enactment of this section, meets any applicable requirement under the final rule relating to solid waste disposal facility criteria under part 258 of title 40, Code of Federal Regulations, published on October 9, 1991, at 56 Fed. Reg. 50978, and any corresponding similar regulation or ruling relating to—

"(i) design standards;

"(ii) leachate collection;

"(iii) groundwater monitoring; and

"(iv) financial assurance for closure and post-closure care and corrective action;

"(B) meets any applicable State law (including any State rule or regulation) relating to the items described in clauses (i) through (iv) of subparagraph (A);

"(C) during the month of February 1992, received for disposal municipal solid waste generated outside of the State in a manner consistent with the terms of a written contract; and

"(D) with respect to any calendar year during the period beginning on January 1, 1992, and ending on December 31, 1996, receives for disposal a total volume or tonnage of solid waste generated outside of the State in an amount that does not exceed the total amount of such volume or tonnage of such solid waste received by the landfill during calendar year 1991.

"(2) INCINERATORS AND OTHER WASTE DISPOSAL FACILITIES.—The prohibition under subsection (a)(1) shall apply to an owner or operator of an incinerator or other waste disposal facility (other than a landfill), unless—

"(A) the incinerator or other waste disposal facility meets applicable new source performance standards under section 129(a) of the Clean Air Act (42 U.S.C. 7502 note) and applicable monitoring requirements under section 129(c) of such Act (42 U.S.C. 7502 note), and otherwise meets applicable requirements of section 129 of such Act;

"(B) during the month of February 1992, the owner or operator received municipal solid waste at the incinerator or other waste disposal facility generated outside of the State in a manner consistent with the terms of a written contract; and

"(C) with respect to any calendar year during the period beginning on January 1, 1992, and ending on December 31, 1996, receives for disposal a total volume or tonnage of solid waste generated outside of the State in an amount that does not exceed the total amount of such volume or tonnage of such solid waste received by the incinerator or other waste disposal facility during calendar year 1991.

"(d) TREATMENT OF EXPANSIONS OF FACILITIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the expansion of a landfill, incinerator, or other waste disposal facility shall be considered, for the purposes of subsection (a), to be a separate facility that requires authorization in order to accept waste generated outside of the State.

"(2) EXCEPTION.—A landfill, incinerator, or other waste disposal facility with respect to

which the owner or operator has obtained authorization (as described in subsection (a)) may be expanded for the purpose of receiving waste generated outside of the State without an additional authorization under subsection (a) only if—

"(A) at the time the owner or operator obtained authorization for the waste disposal facility, the owner or operator owned or possessed an option to purchase the land on which the expansion of the waste disposal facility is proposed to occur; and

"(B) the area of expansion of the waste disposal facility was indicated in documents filed with the affected local government before obtaining such authorization.

"(e) STATE MUNICIPAL SOLID WASTE MANAGEMENT PLAN.—

"(1) IN GENERAL.—On or after the date of the enactment of this section, the Governor of a State shall submit to the Administrator a State municipal solid waste management plan (hereafter in this subsection referred to as a "plan"). Such plan shall cover a period of not less than 10 years, and shall be reviewed by the Governor not less than every 5 years after the initial period. Such plan shall include—

"(A) a prioritization by the State of municipal solid waste disposal options;

"(B) a solid waste inventory that includes—

"(i) an inventory of the generation within the State of any solid waste regulated under this subtitle;

"(ii) an analysis of the management of solid waste within the State;

"(iii) a projection with respect to the period of time covered by the plan of the rate of increase of the generation of solid waste within the State;

"(iv) the amount of solid waste generated in, exported from, and imported into the State at the time of the preparation of the plan, and a projection of the total amount of such waste that will be generated in, exported from, and imported into the State during the period of time covered by the plan;

"(v) specific goals for the reduction of municipal solid waste and for recycling such wastes;

"(vi) a description of any program of the State designed to reduce or recycle municipal solid waste, including a description of—

"(I) efforts by the State to develop a market for recyclable materials;

"(II) related State laws (and related laws of any political subdivision of the State) in effect at the time of the preparation of the plan; and

"(III) any problem that the State has encountered in reducing or recycling municipal solid waste, or that the State has identified as an obstacle to achieving the goals described in clause (v);

"(vii) a description of—

"(I) the actual capacity within the State (at the time of the preparation of the plan) for municipal solid waste disposal and treatment; and

"(II) the projected capacity (including efforts to site additional capacity) within the State for solid waste disposal and treatment during the period of time covered by the plan;

"(C) a description of the capability of the State, at the time of the preparation of the plan, to meet the requirements of this subtitle, including a description of any—

"(i) permit program under this subtitle administered by the State;

"(ii) enforcement activities carried out under this subtitle by the State;

"(iii) State laws (including rules and regulations) relating to clauses (i) and (ii);

"(iv) funds available to the State to carry out the activities described in clauses (i) and (ii); and

"(v) the number of employees of the State with duties relating to the activities described in clauses (i) through (iii);

"(D) a description of the degree of public participation in the development and implementation of the plan, including a description of any related public hearing; and

"(E) information that demonstrates (to the satisfaction of the Administrator) that the State has the necessary authority and administrative structure to implement any standards under this subtitle.

"(3) REVIEW BY THE ADMINISTRATOR.—(A) Upon receipt of a plan submitted by a State pursuant to this subsection, the Administrator shall review the plan.

"(B) If the Administrator determines that the plan meets the requirements of paragraph (2), the Administrator shall approve the plan.

"(4) APPROVAL.—The Administrator shall make a determination whether to approve or disapprove the plan by not later than 6 months after the date of submission of the plan. If the Administrator fails to approve or disapprove the plan by such date, the plan shall be deemed to be approved.

"(5) NOTIFICATION.—Upon the approval or disapproval of a plan, the Administrator shall provide written notification to the State stating the action taken by the Administrator under paragraph (4). If the Administrator disapproves the plan, the Administrator shall include in the notification a statement of the reasons for the disapproval of the plan.

"(6) REVISED PLAN.—A State that receives a notification of disapproval of a plan may submit a revised plan to the Administrator after receipt of the notification.

"(7) REVIEW OF REVISED PLAN.—(A) Notwithstanding any other provision of this subsection, the Administrator shall review any revised plan submitted by a State under this subsection, and approve or disapprove the revised plan by not later than 2 months after the date of the submission of the revised plan.

"(B) If the Administrator fails to approve or disapprove the revised plan during the period of time specified in subparagraph (A), the revised plan shall be deemed to be approved.

"(8) NOTIFICATION TO THE STATE.—Notification to the State of the approval or disapproval of a revised plan shall be conducted in accordance with paragraph (5). A State that receives notification of disapproval of a revised plan may submit another revised plan in accordance with the procedure under this subsection.

"(f) PROHIBITION ON RECEIPT OF WASTE FROM A STATE WITHOUT A MUNICIPAL SOLID WASTE PLAN.—

"(1) IN GENERAL.—Beginning on the date that is 36 months after the date of the enactment of this section, it shall be unlawful for the owner or operator of a landfill, incinerator, or other waste disposal facility to receive municipal solid waste generated in another State if the exporting State does not have in effect an approved State municipal solid waste management plan.

"(2) ACTIVITY NOT COVERED BY THE PROHIBITION.—On or after the date that is 36 months after the date of the enactment of this section, the owner or operator of a landfill, incinerator, or other waste disposal facility located in a State that does not have in effect

an approved State municipal solid waste management plan may receive for disposal municipal solid waste generated outside of the State if the exporting State has in effect a State municipal solid waste disposal plan.

"(g) PENALTIES.—

"(1) CIVIL PENALTIES.—Any person who violates a provision of this section shall be subject to a civil penalty in an amount not to exceed \$25,000 for each such violation. Such penalty shall be assessed in the same manner as provided for the assessment of a civil penalty under section 3008.

"(2) CRIMINAL PENALTIES.—Any person who knowingly violates a provision of this section shall be subject to a fine of not more than \$50,000 for each day of violation, or imprisonment not to exceed 2 years.

"(h) FEES.—A State is authorized to impose a fee (in addition to any other fees charged by the owner or operator of a facility) for the disposal of solid waste generated outside of the State if—

"(1) the amount of such fee does not exceed \$10 per ton of solid waste disposed; and

"(2) the State uses any amounts collected under this subsection to fund solid waste management activities conducted pursuant to this subtitle.

"(i) DEFINITIONS.—For the purposes of this section:

"(1) The term 'affected local government' means, with respect to a landfill, incinerator, or other waste disposal facility, the city, town, borough, county, parish, district, or other public body created by or pursuant to State law with primary jurisdiction over siting or planning, or with primary jurisdiction over other related regulatory activities in the geographic area where the landfill, incinerator, or other waste disposal facility is located or proposed to be located.

"(2) The term 'authorization' means a written decision by an affected local government to allow the owner or operator of a landfill, incinerator, or other waste disposal facility to receive for disposal waste generated outside of the State. Such term shall include any written, formal concurrence by any local government with primary jurisdiction in a geographic area within a 2-mile radius of the landfill, incinerator, or other waste disposal facility that is the subject of the authorization. Such term shall include any written, formal concurrence by multi-jurisdictional or regional entities that may be required under State law, or any related written agreement between local governments.

"(3) The term 'municipal solid waste' means refuse (and refuse-derived fuel) consisting of paper, wood, yard wastes, food wastes, plastics, leather, rubber, sludge, and other combustible and noncombustible materials such as metal, glass, and rock generated by the general public and from residential, commercial, institutional, and industrial sources. Such term does not include—

"(A) any waste identified or listed as hazardous waste by the Administrator pursuant to section 3001 of this Act;

"(B) any solid waste, hazardous waste, hazardous substance, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act;

"(C) any hazardous chemical substance or mixture regulated under section 6(e) of the Toxic Substance Control Act (15 U.S.C. 2605(e));

"(D) any metal, pipe, glass, plastic, paper, textile, or other material that has been separated or otherwise diverted from solid waste, and that has been transported into such State for the purposes of recycling or reclamation;

"(E) any nonhazardous solid waste that is—

"(i) generated by an industry; and

"(ii) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the initial generator of the waste, or is located on property owned by such generator or a company with which such generator is affiliated;

"(F) any solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation;

"(G) any industrial waste that is not identical to any municipal solid waste with respect to its chemical composition and chemical and physical characteristics;

"(H) any medical waste that is segregated from, or not mixed with municipal waste; and

"(I) any material or product returned from a dispenser or distributor to the manufacturer for credit, evaluation, and possible reuse."

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents for subtitle D of such Act (contained in section 1001) is amended by adding at the end the following new item:

"Sec. 4011. Interstate transportation and disposal of municipal solid waste."

Mr. MCCONNELL. Mr. President, I just want to take a moment to express my support for the legislation introduced today by the Senator from Indiana. He has been tireless in his efforts to address the interstate waste issue, and has presented another creative alternative to empower States and local governments to regulate the flow of garbage into their communities.

This innovative approach, coupled with other legislation that the Senate passed last year, gives us two alternatives to deal with the interstate waste issue. Both approaches are workable, both have bipartisan support, and both give local communities control of waste.

Mr. President, I am willing to wait until April 30, for a solution to the interstate waste issue within the framework of the Resource Conservation and Recovery Act reauthorization. But should a solution within RCRA not be forthcoming, we must move forward, apart from it. With two workable solutions ready for action, there is no reason why Congress shouldn't or couldn't pass interstate waste legislation this year.

My State of Kentucky has done a great deal on the State and local level to plan for their future waste disposal needs in a prudent, environmentally responsible manner. Kentucky's comprehensive waste management plan has reduced what was once a tidal wave of out-of-State trash to no more than a trickle. But that's not the end of the story, Mr. President.

Federal legislation is needed so that laws in States like Kentucky cannot be struck down as violative of the Constitution's commerce clause. This can

only be accomplished by Congress making it crystal clear that States and local communities have the authority to prohibit the dumping of out-of-State waste.

Federal legislation is the only way to ensure that State waste management plans limiting the influx of out-of-State garbage are on a constitutionally sound footing.

Mr. President, I look forward to crafting a solution to the interstate waste problem in cooperation with the Environment Committee within the Resource Conservation and Recovery Act. If that is not possible, I will work with the Senator from Indiana to bring this pressing issue directly to the Senate floor for a vote this year. The environmental destiny of Kentucky can no longer be held hostage to a looming mountain of out-of-State garbage.

Mr. GRASSLEY. Mr. President, I rise today to express my strong support for legislation to protect our environment from out-of-State garbage and waste. I am proud to be an original cosponsor of this bill to regulate interstate waste disposal.

This legislation would make it unlawful to receive out-of-State trash unless the affected local government authorizes its receipt. It would also allow local communities to negotiate for host fees to benefit their communities directly.

Mr. President, the United States produces approximately 180 million tons of solid waste every year. The generators of this garbage must be held accountable for the garbage. They have many options available to them. Recycling is a very positive proenvironment approach. Another is the use of landfills to accommodate this waste.

While the solid waste problem continues to increase, we are having more landfill closures without corresponding formation of new landfill sites. We are fast running out of room.

The Environmental Protection Agency estimates that 75 percent of the Nation's current landfills will be closed in the next 10 years. The problem is that in years past, landfills were created without much consideration for the environmental impact.

Because capacity is shrinking for landfill sites, States have been shipping their garbage into other States. In 1987, 10 million tons of garbage crossed State lines.

Mr. President, it escapes me how the opponents to the approach we are discussing today can claim that their position is the environmental position. How can it be good for the environment to allow localities and States to punt their responsibilities in handling their waste to other States?

With the closing of landfills across our Nation, this legislation is needed more than ever. In the future, States can not expect to be able to transport their waste half-way across the coun-

try to a landfill site in Iowa or Nebraska. These landfill sites will not be available to them. They are going to have to make accommodations to deal with their waste themselves. They are going to have to make these accommodations beginning now, not 10 years from now when the landfill sites will not be available to them.

This legislation will force responsibility. It will force the producers of waste in our Nation to be responsible for administering the proper disposal of that trash. Sending it from New York to Iowa is not dealing with it. It is avoidance of responsibility on the part of the waste producers.

This legislation will make it possible for communities across America to restrict the amount of out-of-State waste that comes into their towns. It will also force communities and States to deal with their own waste problems instead of pushing it off on others and transporting it across the country.

The environment is of great concern to many Americans. Iowans take a back seat to no one when it comes to concern about the environment. We are very closely tied to the soil and the environment of our State. We make a living through the proper management of this soil, this environment. We are greatly concerned that we do the right thing when it comes to the maintenance of the environment, and this extends to the way we handle the waste that we generate.

If Iowa can properly handle the maintenance of its waste, there is no reason why other States throughout the United States can not do the same.

If I ask the indulgence of my colleagues, I would like to take this opportunity to discuss this issue as it relates specifically to the State of Iowa.

First let me point to a few communities in Iowa and discuss how they handle their solid waste:

The city of Dubuque and Dubuque County operate their own landfill that has a capacity that should last another 20-plus years. They do not accept out-of-State trash and would like to continue this practice. Tom Byland, the solid waste management supervisor, states that this legislation "sounds good. We would be in favor of the legislation."

Burlington is part of a regional solid waste commission which maintains a landfill with adequate capacity and also has an aggressive recycling program. They too support this legislation.

Fort Madison and Keokuk in southeast Iowa are part of the Lee County Solid Waste Commission. There are also two counties in Illinois that are part of this cooperative effort. They have a regional solid waste plan. The legislation that we are discussing today works well with this cooperative agreement. If States are willing to enter an agreement in a collaborative

manner, this legislation will not restrict that agreement.

The city of Sioux City has a similar bi-State agreement with Jackson, NE.

The city of Council Bluffs takes their solid waste to the Douglas County landfill in Nebraska, where they pay a fee. They are attempting to find an alternative in Iowa to handle their own garbage in their own area. Again, this is yet another example of a community in Iowa working effectively with an area in a border State to deal with their solid waste problem.

At the same time that Council Bluffs has dealt effectively with their own solid waste, they have been the unfortunate victims of garbage coming from the east coast. This trash has come into Council Bluffs on its way to Nebraska. While in Council Bluffs, the trash boxcars have oozed liquid. This liquid was analyzed by the city sanitarian and was found to contain dangerous quantities of unsafe materials generally found in solvents and paint thinners.

Mr. President, this legislation is needed, and will hopefully be acted upon immediately by this body and be made into law. Our children's future depends on our actions today. We must act immediately to effectively deal with the garbage our society creates. This legislation will move us closer to dealing with this problem.

Mr. President, I ask unanimous consent that an article from the Des Moines Register be printed in the RECORD at this point. This article effectively tells the story of the problems in Iowa of being the dumping ground for east coast trash.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EAST COAST TRASH RAISES STINK OVER LANDFILL ISSUE

(By Larry Fruhling)

COUNCIL BLUFFS, IA.—The rank-smelling boxcars, decorated with graffiti, roll in here regularly from an address on Varick Avenue in Brooklyn, N.Y.

The garbage in the cars is almost finished with its cross-country journey. The trash has come 1,400 miles to the railroad siding in Council Bluffs, but the trash still has 75 miles to go after it is put into trucks here. The final destination is the pungent hilltop of a growing landfill near David City in east-central Nebraska.

By fits and starts, large amounts of household garbage and other wastes from the East Coast have begun arriving in the Midwest for the first time, raising concerns about the prairie becoming the trash heap for the urban East.

A Bloomington, Ind. company, National Salvage and Service Corp., is running the garbage-shipment operation from the New York City area to Nebraska.

The company also wants to unload East Coast trash from boxcars at Sewal, a tiny southern Iowa community, and to truck this garbage to a landfill in northern Missouri.

National Salvage has told the Iowa Department of Natural Resources that the company's goal is to move 720 to 900 tons of East

Coast garbage a day to unloading points at Council Bluffs and Sewal for shipping by truck to the landfills in Nebraska and Missouri. At a maximum, the daily shipment would reach 1,100 tons—enough to fill 12 boxcars, the company says.

State officials in Iowa, Missouri and Nebraska say that they can regulate the way the garbage is unloaded and can enforce rules on the landfills where it is dumped, but they can't prevent the shipments because of federal guarantees of unfettered commerce between states.

Regulators are unhappy about that.

"We do not think that shipping waste over long distances is a farsighted solution," said Anita Randolph, a spokeswoman for the Missouri Department of Natural Resources. "It simply transfers the problem to another state."

OVERLOADED LANDFILLS

The shipments, Randolph said, are evidence that many states—including New York, New Jersey and, for that matter, Missouri—must do more recycling and take other steps to reduce the amount of trash going into overloaded landfills.

Although Iowa has only a bit part in National Salvage's plans, Peter Hamlin of the Iowa Department of Natural Resources said other companies are interested in Iowa as more than a place for unloading garbage from rail cars and putting it into trucks bound for Nebraska and Missouri.

Hamlin said the state gets about one inquiry a week from companies interested in dumping East Coast waste into Iowa landfills. "It's more that a little disconcerting to be thought of as a dumping ground for New Jersey and places like that," he said.

So far, companies interested in dumping in Iowa have been deterred because they would have to comply with the relatively stringent waste regulations the state has imposed on its own residents, Hamlin said.

Iowa and other Midwestern states have for years shipped trash across their borders to nearby landfills in neighboring states.

ECONOMIC SENSE

But because of escalating costs of dumping waste in New Jersey, New York and other highly urban areas, officials say, it has begun to make economic sense to ship refuse more than 1,000 miles to Midwestern landfills that take garbage for a fraction of East Coast prices.

Hamlin noted that political opposition to locating new landfills in densely populated Eastern cities is likely to be far stronger than might be encountered in rural areas.

Hamlin also said that hazardous wastes generated in Iowa, such as farm pesticide residues, some solvents and various chemicals, are exported to other states. "It's hard to claim we're being victimized when we're doing the same with hazardous wastes," he said.

Victoria Schopp, president of National Salvage, declined to discuss financial details of her company's shipments of garbage from Brooklyn to the Nebraska landfill. She said the company is "making a little if everything goes well."

HOUSEHOLD GARBAGE

According to National Salvage's applications to put permanent unloading facilities for rail cars at Council Bluffs and Sewal, the company's primary source of waste in Star Recycling Inc. of Brooklyn, a repository for household garbage and other refuse from a large part of the New York City area.

National says that before it receives the trash, workers at Star pick out newsprint,

glass, wood, metals and other items that can be recycled, as well as paint and household chemicals that contain hazardous substances.

Schopp said some of the garbage being shipped from New York is just coming home to roost in the Midwest, which sells much of its grain, meat and manufacturing to the East Coast. "You're getting back some of this packaging," she said.

Schopp said her company and Iowa officials have gotten off to a rocky start. Initially, the state said no Iowa license was required for her company as long as the company only unloaded garbage from boxcars and put it on trucks, Schopp said.

Hamlin agreed that the state determined no license would be needed because no waste would "touch ground" in Iowa.

Last summer National Salvage began shipping boxcars of garbage from Brooklyn to a rail siding at Lineville, Ia., on the Missouri border. The trash was trucked from Lineville to a landfill east of Trenton, Mo.

SHORTCOMINGS

That operation was interrupted in September when the landfill was cited for shortcomings by Missouri officials, and it ended for good in mid-December.

Iowa officials, meanwhile, changed their minds and decided National Salvage did need a permit to transfer garbage from train cars to trucks. The change of heart occurred, Hamlin said, after an incident in October at Council Bluffs, to which National Salvage had begun shipping garbage destined for the landfill in Nebraska.

Donn Dierks, the Council Bluffs city sanitarian, said he was unaware of the shipments until Oct. 11, when he got a tip and went to a railroad siding where he found boxcars dripping a smelly liquid onto the ground.

"This stuff was dripping all over the place," Dierks said.

Dierks said the source was the garbage, which began decomposing and heating en route to the Midwest. Steam from the bales of trash condensed to liquid and ran from the cars, he said.

Dierks said he gathered a pint of liquid from one car and had it analyzed. He said the analysis turned up somewhat elevated levels of two petroleum-based products commonly used as solvents.

Hamlin said the material dripping from the cars could be considered hazardous. At that point, he said, the state decided a license would be needed for the Iowa operation.

Schopp, the president of National Salvage, said the dripping were not hazardous. "If it was hazardous they'd have shut me down," she said.

Schopp added that Iowa officials were coming under political pressure to keep the East Coast garbage out of the state and "were trying to find something to put National Salvage out of business."

* * * * *

While National Salvage's application to put up a permanent unloading station is pending, the state is permitting the company to continue operating in Council Bluffs with a temporary unloading facility.

The state is not allowing the company to start operations in Sewal, however, until the permit issue is settled. Schopp said she is considering taking the state to court in an attempt to start garbage shipments in Sewal.

The operation at Sewal would replace Lineville as National Salvage's boxcar unloading point for the truck shipments to the Missouri landfill.

Jerry Rockhold, manager of the Lineville fertilizer plant that shared its rail siding with National Salvage, said the main reason the arrangement ended in December was because the local company needed all of the available rail capacity for fertilizer cars.

SOME OPPOSITION

There was also some opposition in Lineville to the garbage unloading operation, Rockhold said. But the opponents quieted down, he said, when National Salvage gave the community about \$1,500 for its fire department and ball team.

Schopp has bought three acres of land along a Soo Line railroad siding at the edge of Sewal, a town of about 50 people, and proposed to put a building along the tracks. Trash from boxcars would be unloaded into the building and then loaded onto trucks.

Some Sewal residents are unhappy about the possibility of bad smells and blowing debris and the traffic from trucks that would haul the refuse to Missouri.

Sue Ruble of Sewal said she thinks National Salvage picked the unincorporated town for a transfer station because it has few people and a municipal government to defend it.

Bob Gill, whose house is a few hundred yards north of the proposed transfer building, said he dreads summer and southerly winds that would carry any unpleasant odors from the garbage.

"By the time they get it here and unload it, its going to get ripe," Gill said.

Mr. NICKLES. Mr. President, I wish to congratulate Senator COATS from Indiana for his outstanding effort in trying to protect States from out-of-State disposal in their homes, and in their back yards, and in their States. He has been tireless in his effort. He has been courageous and successful on the floor of the Senate. I have been pleased to join with him in this effort. I compliment him on his legislative effort, on the success last year; and I compliment him on the bill he is introducing today, which I am pleased to cosponsor.

We have significant and serious problems with waste disposal, and particularly with interstate transfer of waste and that waste going into communities, which in many cases, those communities do not want, and in many cases, the States do not want.

I can relate from personal experience, having attended some meetings in Oklahoma, and having meetings where people have just been outraged over the fact that in Oklahoma, for example, there is a proposal to receive some New York sludge into our State, and they wish to vote on it. When we talk about having meetings and voting on it, people have expressed their outrage at these proposals.

The legislation which Senator COATS and myself and Senator BOREN and others are sponsoring today will go a long way toward restoring the individual community's ability to protect its own environment.

Mr. President, without this bill, Oklahoma could become the dumping ground for other State's trash. This bill provides the authority for local

governments to decide for themselves whether out-of-State trash is acceptable in their communities.

Those who have to live with someone else's trash should be the ones to decide for themselves.

The Environmental Protection Agency estimates that Americans generate 180 million tons of trash a year which averages about 4 pounds per person daily. This amount could reach 216 million tons per year by the turn of the century at current rates of production.

Out-of-State waste has quickly become an issue which carries a great deal of emotion. In Oklahoma, we have been enticed by waste peddlers wanting to spread their product far and wide across our plains and pastures. You can guarantee a huge turnout at a community meeting by announcing a proposal to import New York sludge to spread across the countryside. Rarely have I witnessed the type of concern expressed by citizens when talk of imported waste is about to hit their town.

The issue of waste imports has taken center stage. Remember the 63-car train loaded with sewage sludge which crisscrossed the country looking for a home for its unwanted waste, only to find it was not welcomed and finally was forced to return to where it started. Then, for days, the Nation followed the saga of the wayward barge brimming with waste as it was refused entry as it roamed from port to port.

These two notable cases were attempts to locate an out-of-State landfill to dispose of their unwanted waste. About 80 percent of today's waste is disposed of in such landfills, but landfill space is decreasing rapidly. In 1960, approximately 30,000 landfills or open dumps existed in the United States. This number has declined from 20,000 in 1979 to fewer than 6,000 today. An October 1989 report by the Office of Technology Assessment estimates that 80 percent of existing landfills will close within 20 years. New regulations for landfills, promulgated by the Environmental Protection Agency in October 1991, are expected to further reduce the number of operating sites.

Because of this decline in disposal capacity, many areas in the northeast and west coast are experiencing a gap between the available disposal capacity and the amount of waste being generated. This gap is being filled by long-haul waste transport to disposal sites in the mid-section of the country. Today, along with Senator COATS and others, I am introducing a bill that will make it unlawful for the owner or operator of a solid waste disposal facility to receive out-of-State trash unless the affected local government authorizes receipt.

For the last several years I have been working with Senator COATS to pass legislation which would put a halt to unwanted out-of-State waste being dumped in Oklahoma. In 1990, I sup-

ported an amendment sponsored by Senator COATS which would have allowed States to immediately impose higher fees on solid waste originating out of State. While the amendment was approved by the Senate, it was later dropped in conference with the House.

The predecessor to today's bill, S. 153, was introduced last year and allows States to immediately impose higher fees on out-of-State waste. The bill also provides that States can gain further authority to ban or regulate garbage imports if it certifies that it has identified adequate capacity to dispose of its own solid waste for the next 5 years. Also under this earlier version, the State also would have to adopt a 20-year solid waste management plan.

The bill we are introducing today takes the issue of out-of-State waste to the people it effects the most—the local residents of the area where the landfill is located. If adopted, this bill will make it unlawful for a landfill to receive out-of-State trash without permission of the local governing authority. It allows local communities to negotiate for host fees to directly benefit their communities should they choose to allow out-of-State trash to be disposed of in their landfill.

In addition, the affected local government has to notify the Governor of their decision to receive out-of-State waste. Although the State does not play a role in the decision of each community, the Governor is authorized to disapprove of any authorization that will cause the total volume of out-of-State trash to exceed 30 percent of the total volume of trash disposed of in the State during the previous year.

There are some exceptions to the overall prohibition. Landfills that meet certain requirements are not subject to restriction. To qualify for the exemption, the landfill must be designed and operated in accordance with the recently promulgated Federal landfill regulations as well as comply with all State laws and regulations. Furthermore it must have received out-of-State garbage during the month of February 1992 pursuant to a written contractual arrangement. Landfills qualifying for this exception could not receive any more out-of-State trash than they received in 1991. This exception would be phased out as of 1997.

The bill would also provide for States to develop a 10-year municipal solid waste State management plan which would be reviewed by the Governor every 5 years. The Environmental Protection Agency would be given 6 months to approve or disapprove of the State plan. If there is no action during that time, the plan is deemed approved. States are also authorized to impose a flat fee on out-of-State trash of up to \$10 per ton to be used to implement State solid waste management programs. In addition, 36 months after enactment of this bill, it will become un-

lawful for a facility to receive out-of-State waste if the exporting State does not have a State plan.

Without this bill, Oklahoma could become the dumping ground for other States' trash. This bill provides the authority for local governments to decide for themselves whether out-of-State trash is acceptable in their communities. Those who have to live with someone else's trash should be the ones to decide.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I join with my colleague in the remarks he has just made and commend him for them and also my colleague from Indiana, Senator COATS, who has been such a strong leader on this issue, along with the Senator from Kentucky, Senator MCCONNELL.

We do have a serious problem in this country. We have States that are exporting more and more of their trash and solid waste to other States instead of taking care of it themselves. The States of New York and New Jersey alone exported almost 8 million tons of waste last year to other States. It is simply not right for other States to be forced to accept it without having any say about the control of their own destiny from an environmental point of view.

The bill which is being introduced today and which I am proud to join my colleagues in cosponsoring is a bill that will return that control back to the local levels. As my colleague from Oklahoma just indicated, it will allow localities to decide whether to accept out-of-State trash into their own municipal facilities and landfills. It will allow States to impose variable fees on out-of-State trash brought into their localities and this will mean when localities decide on a voluntary basis they want to accept trash moving across State lines from other States, they will be able to expand their familiarities and deal with the problem through these additional funds that will be raised by fees which could then be applied to an environmentally sound procedure for taking care of the problem.

We have only an average in the State of Oklahoma about 5 years of landfill capacity left and most of our local, municipal country landfills, that is fairly enough to take care of the amount we are generating 5.5 million tons each year in our State. To burden us by having those come from out of State and force us involuntarily to accept waste and trash being generated by them is simply not a fair burden to impose on the people of Oklahoma at this time.

We are very concerned that our State and others similarly situated could become indeed a dumping ground for trash and waste from other parts of the country. This is certainly not fair from the point of view of our citizens, our

environment. We are trustees for our national heritage. We should have some say in controlling that environment closest to home.

This bill will do exactly that. I think it is a very positive step toward giving incentives to States to begin to responsibly face up to their problems and providing revenues if States voluntarily decide to accept trash moving across State lines to take care of the problem in a more efficient way.

Mr. President, I commend my colleagues and commend especially the Senator from Indiana for taking the lead in pooling together this piece of legislation and giving others to join with him in this effort. It is a major step in the right direction. It should reassure those locations in a State like mine with some 15 different permit applications now pending in the State of Oklahoma alone to bring in out-of-State trash without the consent of local citizens. It should reassure those citizens that now they will have a say in deciding what kind of waste, what kind of trash outside the State they want to receive into their own communities.

It is fair that they should have the right to make that decision for themselves. I am proud to join with my colleagues in cosponsoring and supporting this bill. I hope it is a bill that will receive overwhelming support of the entire Senate.

By Mr. RIEGLE:

S. 2385. A bill to amend the Immigration and Nationality Act to permit the admission to the United States of non-immigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes; to the Committee on the Judiciary.

ADMISSION OF CERTAIN NONIMMIGRANT STUDENTS AND VISITORS

• Mr. RIEGLE. Mr. President, today I have introduced legislation which would permit spouses and children of permanent residents to receive visitors and student visas. This bill is designed to correct a serious inequity in immigration law which prevents these aliens from coming to the United States to see their immediate family members.

Currently, there is a 2- to 4-year backlog in the processing of permanent resident visa petitions for spouses and children of individuals who are now permanent residents. This has caused the long period of separation for many families.

The families are not only separated because of the delay in the application process. Because spouses and children have indicated a desire to immigrate to the United States through their permanent resident petitions, U.S. consulates abroad imply that they intend to move permanently to America and deny visitor and student visas to them. Therefore, the spouses and children of per-

manent residents cannot even visit their families. The bill I am introducing today would correct this serious inequity by eliminating the implication that a petition for permanent residence suggests that an alien intends to abandon his or her foreign residence.

Nevertheless, this legislation envisions the possibility that some may violate the terms of their visas by overstaying the period which the visa provides. It penalizes spouses or children of permanent residents who overstay their visas by allowing the Secretary of State to delay their permanent visa petitions for 1 year if visa durations are violated.

Once again, I urge my colleagues to cosponsor this legislation. By joining me in remedying this unfair situation, we can afford families separated by an unfortunate administrative delay caused by our Government the opportunity to see each other. •

By Mr. WARNER (for himself, Mr. SPECTER, and Mr. DURENBERGER):

S. 2386. A bill to amend the Solid Waste Disposal Act to require the owner or operator of a landfill, incinerator, or other solid waste disposal facility to obtain authorization from the affected local government before accepting waste generated outside the State; to the Committee on Environment and Public Works.

DISPOSAL OF MUNICIPAL SOLID WASTE

• Mr. WARNER. Mr. President, I rise today to introduce legislation concerning the interstate transportation of municipal solid wastes and to ensure that our local governments—those who bear the burden of hosting these facilities—have the authority to participate in the decisionmaking process to receive out-of-State wastes within their jurisdictions. I am pleased to have Senator SPECTER and Senator DURENBERGER join me in sponsoring this legislation.

Americans are generating increasing amounts of garbage each year and landfilling of wastes remains the prevalent disposal alternative. In 1988, we produced approximately 180 million tons of garbage—that's more than 490,000 tons per day—or 4 pounds per person per day.

Citizens are waging a tough, uphill battle to protect their neighborhoods from being used as dumping grounds for the more than 15 million tons of solid waste that crossed State lines in 1989 for disposal. In most cases, local communities did not willingly accept this waste and local governments had no authority in determining the disposal of this waste within their borders.

When this issue first came before the Senate in October 1990, I supported proposals which sought to provide States with the authority to impose differential tipping fees for out-of-State waste

and also to ban the interstate shipments of municipal wastes.

Since that time, I have become convinced that Congress can provide meaningful relief to local governments, while recognizing legitimate contractual arrangements to dispose of out-of-State waste at facilities that meet the highest environmental standards.

Specifically, the legislation I offer today gives local governments, who have primary responsibility for land use, a voice in this issue by requiring that operators of landfills who wish to receive out-of-State wastes obtain authorization from the affected local government.

In recognition of existing contractual arrangements for disposal of out-of-State wastes, those facilities which meet environmentally sound standards for landfills would not be required to obtain local authorization. I believe this approach is essential in ensuring the protection of the local communities from substandard, poorly managed facilities that may be harming the environment.

Existing landfills that do not meet these standards will not be permitted to receive waste generated outside of the State.

The provisions that I have described provide immediate protection to the environment and to local governments from out-of-State wastes received by substandard facilities. In an effort to encourage States to more adequately accommodate wastes generated within their own borders, my proposal includes the requirement for States to develop management plans that must be approved by the Environmental Protection Agency. The approval of these plans is another condition for States to continue exporting wastes and for local governments to continue receiving out-of-State wastes.

Mr. President, I ask unanimous consent for the text of my legislation to be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTERSTATE TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"SEC. 4011. INTERSTATE TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

"(a) RESTRICTION ON RECEIPT OF OUT-OF-STATE WASTE.—

"(1) IN GENERAL.—Except as provided in subsections (b) and (e), the owner or operator of a landfill, incinerator, or other waste disposal facility in a State may not receive for disposal or incineration any municipal solid waste generated outside the State unless the owner or operator obtains authorization to

receive such waste from the affected local government in accordance with the procedure under this subsection.

"(2) NOTIFICATION PROCEDURE.—Any such authorization shall be granted by formal action at a public meeting (following public notice and opportunity for comment) and shall be recorded in writing in the official record of the meeting. The local government shall notify the Governor of any authorization granted under this subsection.

"(3) LIMITATIONS.—In granting an authorization, the affected local government may impose limitations on the authorization relating to the amount of municipal solid waste generated outside the State that may be disposed of in the landfill, incinerator, or other waste disposal facility.

"(4) NUMBER OF AUTHORIZATIONS REQUIRED.—Subject to subsection (c), only 1 authorization per facility is required under this subsection.

"(5) RECYCLING EXCLUDED.—The authorization required under this subsection shall apply only to solid waste that is generated outside the State that is disposed of in the landfill, incinerator, or other waste disposal facility, and shall not apply to any solid waste generated outside the State that is received by the facility, but is to be recycled at a recycling facility.

"(b) LIMITATIONS AND CONDITIONS ON APPLICABILITY.—

"(1) LANDFILLS IN OPERATION.—(A) Subject to subparagraph (B), the prohibition under subsection (a) shall not apply to an owner or operator of a landfill that—

"(i) on and after January 1, 1993, and prior to the effective date of applicable regulations under the final rule relating to solid waste disposal facility criteria under parts 257 and 258 of title 40, Code of Federal Regulations, published on October 9, 1991, at 56 Fed. Reg. 50978—

"(aa) has a liner, a leachate collection system, and a groundwater monitoring system; "(bb) provides financial assurance for closure and post-closure care; and

"(cc) provides for corrective action; "(ii) on and after the effective date of the regulations referred to in clause (i), complies with the regulations; and

"(iii) before January 1, 1993, either accepted municipal solid waste generated outside the State or obtained authorization to accept such waste from the affected local government pursuant to a written contract; and

"(iv) meets all applicable State laws (including regulations) relating to design standards, leachate collection, groundwater monitoring, and financial assurance for closure and post-closure care and corrective action.

"(B) The limitation on applicability contained in subparagraph (A) with respect to a landfill shall terminate if the owner or operator of the landfill fails to comply with the requirements of any applicable law described in subparagraph (A).

"(2) LANDFILLS UNDER CONSTRUCTION OR IN PLANNING PROCESS.—(A) Subject to subparagraph (B), the prohibition under subsection (a) shall not apply to a landfill that—

"(i) before January 1, 1993, has obtained all State and local permits necessary for the construction and operation of the landfill; and

"(ii) before January 1, 1993, was the subject of authorization from the affected local government to accept municipal solid waste generated outside the State at such landfill; and

"(iii) meets the criteria described in clause (i) of paragraph (1)(A) and is operated in accordance with such criteria; and

"(iv) meets all applicable State laws (including regulations) described in clause (iii) of paragraph (1)(A).

"(B) The limitation on applicability described in subparagraph (A) shall terminate if the landfill, before or after construction, fails to—

"(i) on and after January 1, 1993, and prior to the effective date of applicable regulations under the final rule relating to solid waste disposal facility criteria under parts 257 and 258 of title 40, Code of Federal Regulations, published on October 9, 1991, at 56 Fed. Reg. 50978—

"(aa) have a liner, a leachate collection system, and a groundwater monitoring system; and

"(bb) provide financial assurance for closure and post-closure care; and

"(cc) provide for corrective action; and

"(ii) on and after the effective date of the regulations referred to in clause (i), comply with the regulations; and

"(iii) meet all applicable State laws.

"(3) INCINERATORS AND OTHER FACILITIES.—The prohibition under subsection (a) does not apply to the following:

"(A) An owner or operator of an incinerator or other waste disposal facility (other than a landfill) that—

"(i) before January 1, 1993—

"(I) accepted municipal solid waste generated outside the State; or

"(II) obtained authorization to accept such waste from the affected local government; and

"(ii) meets applicable new source performance standards under subsection (a) of section 129 of the Clean Air Act (42 U.S.C. 7502 note) and applicable monitoring requirements under subsection (c) of such section, and meets any other applicable requirements of such section.

"(B) A person who plans to own or operate an incinerator or other waste disposal facility (other than a landfill) and who, before the date of the enactment of this section—

"(i) has obtained all State and local permits necessary for the construction and operation of the incinerator or other facility; and

"(ii) has obtained authorization described in subsection (a) from the affected local government to accept municipal solid waste generated outside the State at such incinerator or other facility; and

"(iii) meets applicable new source performance standards under subsection (a) of section 129 of the Clean Air Act (42 U.S.C. 7502 note) and applicable monitoring requirements under subsection (c) of such section, and meets any other applicable requirements of such section.

"(c) TREATMENT OF EXPANSIONS OF FACILITIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the expansion of a landfill, incinerator, or other waste disposal facility shall be considered, for purposes of subsection (a), to be a separate facility requiring authorization in order to accept waste generated outside the State.

"(2) EXCEPTION.—A landfill, incinerator, or other waste disposal facility with respect to which the owner or operator has obtained authorization as described in subsection (a) or in paragraph (1), (2), or (3) of subsection (b) may be expanded for purposes of receiving waste generated outside the State without an additional authorization under subsection (a) only if—

"(A) the owner or operator demonstrates, to the satisfaction of the appropriate official of the State or affected local government, that the proposed expansion of the landfill,

incinerator, or other waste disposal facility will not result in an increase in the volume or tonnage of solid waste to be received by the facility, calculated on the basis of a daily average (as compared to the daily average amount of such solid waste received at the time of such demonstration);

"(B) the area of expansion of the landfill, incinerator, or other waste disposal facility was indicated in documents filed with the affected local government before obtaining such authorization; or

"(C) one or more ancillary facilities to be used for the sole purpose of supporting the landfill are added.

"(d) RESTRICTION ON RECEIPT OF WASTE FROM STATES WITHOUT STATE PLANS.—Beginning on the date that is 42 months after the date of the enactment of this section, the owner or operator of a landfill, incinerator, or other waste disposal facility in a State may not accept municipal solid waste generated in another State if such other State does not have a State plan approved pursuant to section 4007.

"(e) RESTRICTION ON LOCAL GOVERNMENT CONTROL IN STATES WITHOUT STATE PLANS.—Beginning on the date that 42 months after the date of the enactment of this section, the owner or operator of a landfill, incinerator, or other waste disposal facility in a State may receive municipal solid waste generated outside the State without obtaining authorization under subsection (a) from the affected local government if the State in which the facility is located does not have a State plan approved pursuant to section 4007.

"(f) STATE RESERVATION OF CAPACITY.—

"(1) CAPACITY ASSURANCE.—(A) Subject to paragraph (2), and for a facility that meets the requirements of paragraphs (1) and (3)(A) of subsection (b) and that has not obtained an authorization pursuant to subsection (a), the Governor of a State may impose one of the limitations described in subparagraph (B) on the quantity of municipal solid waste generated outside the State and managed in the facility.

"(B) The limitations referred to in subparagraph (A) are the following:

"(i) Not more than 70 percent of the facility's annual capacity may be reserved for municipal solid waste generated within the State. This limitation shall be incorporated into the operating permits issued by the appropriate State agency.

"(ii) The volume of municipal solid waste generated outside the State and managed at the facility during a calendar year shall not exceed the volume of municipal solid waste generated outside the State and managed at the facility in the preceding calendar year.

"(2) CONDITIONS.—(A) The Governor of a State may impose the limitations described in paragraph (1) if—

"(i) all municipal solid waste landfills within the State meet or exceed the requirements of subsection (b)(1); and

"(ii) the limitations are applied on a uniform, facility-by-facility basis, or, for more than one facility in a State under common ownership, on an annual averaged basis.

"(B) Unless a State has obtained approval from the Environmental Protection Agency for its solid waste management plan, the authority granted the Governor of the State by paragraph (1) shall terminate 42 months after the date of enactment of this section.

"(g) PROHIBITIONS, ENFORCEMENT.—

"(1) PROHIBITIONS.—(A) It shall be unlawful for any individual to knowingly cause to be transported, or transport municipal solid waste through interstate commerce in a manner that does not meet the applicable re-

quirements of this section (including any requirement for such transportation to be accomplished under the terms of a written contract).

"(B) It shall be unlawful for the owner or operator of a landfill, incinerator, or other waste disposal facility to knowingly accept municipal solid waste transported through interstate commerce in a manner that does not meet the requirements of this section.

"(2) CRIMINAL PENALTIES.—(A) Any person who violates a prohibition under paragraph (1) shall, upon conviction, be subject to a fine of not more than \$50,000, or imprisonment for not more than 2 years, or both.

"(B) The Attorney General of the United States may commence a criminal action for any violation of a prohibition under paragraph (1) in the appropriate district court of the United States.

"(3) CIVIL ACTIONS AND PENALTIES.—(A) In any case where the Administrator determines that any person has violated or is in violation of any requirement of this section, the Administrator may issue an order assessing a civil penalty for any past or current violation, or may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief (including a temporary or permanent injunction).

"(B) Any penalty assessed in an order under subparagraph (A) shall not exceed \$50,000 per day of violation.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'affected local government' means, with respect to a landfill, incinerator, or other waste disposal facility, the city, town, borough, county, parish, district, or other public body (created by, or pursuant to, State law) with primary jurisdiction over the use of the land on which the facility is located or proposed to be located.

"(2) The term 'authorization' means a written decision (issued after public notice and opportunity for public comment) by an affected local government to allow a landfill, incinerator, or other waste disposal facility to accept solid waste generated outside the State."

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents for subtitle D of such Act (contained in section 1001) is amended by adding at the end the following new item:

"Sec. 4011. Interstate transportation and disposal of municipal solid waste."

SEC. 2. REPORTING.

(a) IN GENERAL.—(1) Not later than 270 days after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency (hereafter in this section referred to as the "Administrator") shall propose, and after notice and comment, establish by regulation, a program that shall require each person who transports, ships, or causes to be transported or shipped in interstate commerce, any solid waste in excess of 500 pounds per year to prepare and submit to the Administrator, on an annual basis, a registration statement.

(2) REGISTRATION STATEMENT.—The registration statement described in paragraph (1) shall include—

(A) the name and principal place of business of the person submitting the registration statement;

(B) the location of each activity associated with the handling of such solid waste; and

(C) a complete list of such solid waste transported or shipped in interstate commerce during the calendar year immediately preceding the date of such registration statement.

(b) PUBLIC INFORMATION.—In establishing the program described in subsection (a), the Administrator shall make available to the public the registration statements described in such subsection.

(c) DEFINITIONS.—As used in this section, the term—

(1) "solid waste" shall have the same meaning as given such term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6902(27)), but shall not include—

(A) waste identified or listed as hazardous waste by the Administrator pursuant to section 3001 of the Resource Conservation and Recovery Act (42 U.S.C. 6921);

(B) contaminated media, including contaminated soil and debris resulting from a response action taken under section 104 or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 or 9607), or a corrective action taken under the Resource Conservation and Recovery Act (42 U.S.C. 1857 et seq.); and

(C) any hazardous chemical substance or mixture regulated under section 6(e) of the Toxic Substance Control Act (15 U.S.C. 2605(e));

(2) "interstate commerce" shall have the same meaning as given such term in section 10 of title 18, United States Code; and

(3) "person" shall include any individual, corporation, State, political subdivision of a State, or other legal or governmental entity.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. CRANSTON, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 21, a bill to provide for the protection of the public lands in the California desert.

S. 25

At the request of Mr. CRANSTON, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 781

At the request of Mr. SARBANES, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 781, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 1088

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 1088, a bill to amend the Public Health Service Act to establish a center for tobacco products, to inform the public concerning the hazards of tobacco use, to provide for disclosure of additives to such products, and to require that information be provided concerning such products to the public, and for other purposes.

S. 1100

At the request of Mr. KERRY, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S.

1100, a bill to authorize the Secretary of Housing and Urban Development to provide grants to urban and rural communities for training economically disadvantaged youth in education and employment skills and to expand the supply of housing for homeless and economically disadvantaged individuals and families.

S. 1704

At the request of Mr. WALLOP, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 1704, a bill to improve the administration and management of public lands, National Forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands.

S. 1731

At the request of Mr. MCCONNELL, the names of the Senator from Utah [Mr. GARN] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1731, a bill to establish the policy of the United States with respect to Hong Kong after July 1, 1997, and for other purposes.

At the request of Mr. SIMON, his name was added as a cosponsor of S. 1731, *supra*.

S. 1883

At the request of Mr. HOLLINGS, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 1883, a bill to provide for a joint report by the Secretary of Health and Human Services and the Secretary of Agriculture to assist in decisions to reduce administrative duplication, promote coordination of eligibility services and remove eligibility barriers which restrict access of pregnant women, children, and families to benefits under the food stamp program and benefits under titles IV and XIX of the Social Security Act.

S. 2046

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 2046, a bill to authorize humanitarian, technical, and enterprise fund assistance for the Baltic states and the Soviet republics, and for other purposes.

S. 2106

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 2106, a bill to grant a Federal charter to the Fleet Reserve Association.

At the request of Mr. CRANSTON, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 2106, *supra*.

S. 2113

At the request of Mr. SMITH, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 2113, a bill to restore the

Second Amendment rights of all Americans.

S. 2341

At the request of Mr. CRANSTON, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 2341, a bill to provide for the assessment and reduction of lead-based paint hazards in housing.

S. 2362

At the request of Mr. MCCAIN, the names of the Senator from Alaska [Mr. MURKOWSKI], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians.

S. 2369

At the request of Mr. AKAKA, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 2369, a bill to amend section 7101 of title 38, United States Code, to provide for the reclassification of members of the Board of Veterans' Appeals and to ensure pay equity between those members and administrative law judges.

SENATE JOINT RESOLUTION 261

At the request of Mr. CRANSTON, the names of the Senator from Utah [Mr. HATCH], the Senator from Delaware [Mr. ROTH], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 261, a joint resolution to designate April 9, 1992, as a "Day of Filipino World War II Veterans."

SENATE JOINT RESOLUTION 272

At the request of Mr. LEAHY, the names of the Senator from Tennessee [Mr. SASSER], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Joint Resolution 272, a joint resolution to proclaim March 20, 1992, as "National Agriculture Day."

SENATE JOINT RESOLUTION 273

At the request of Mr. SEYMOUR, the names of the Senator from Michigan [Mr. LEVIN], the Senator from North Carolina [Mr. SANFORD], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Joint Resolution 273, a joint resolution to designate the week commencing June 21, 1992, as "National Sheriffs' Week."

SENATE CONCURRENT RESOLUTION 57

At the request of Mr. DOMENICI, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Colorado [Mr. BROWN], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Concurrent Resolution 57, a concurrent resolution to establish a Joint Committee on the Organization of Congress.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. CHAFEE, his name was added as a cosponsor of Sen-

ate Concurrent Resolution 62, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Martha Raye.

SENATE RESOLUTION 259

At the request of Mr. MCCONNELL, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of Senate Resolution 259, a resolution promoting goodwill and cooperation between the Commonwealth of Independent States and the United States.

SENATE RESOLUTION 260

At the request of Mr. KASTEN, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Resolution 260, a resolution opposing the taxation of cash buildup in life insurance annuities.

SENATE RESOLUTION 270

At the request of Mr. DECONCINI, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Resolution 270, a resolution concerning the conflict of Nagorno-Karabakh in the territory of Azerbaijan.

SENATE RESOLUTION 274—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 274

Whereas, in the case of Little Walter Norton v. Miller, et al., Case No. 92V-063, pending in the Superior Court for Ware County, Georgia, the petitioner has caused to be issued a subpoena for the testimony of Senator Sam Nunn;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Sam Nunn in connection with the subpoena in Little Walter Norton v. Miller, et al.

SENATE RESOLUTION 275—COMMENDING PRESIDENT F.W. DE KLERK, THE SOUTH AFRICAN GOVERNMENT, AND THE SOUTH AFRICAN PEOPLE

Mr. SIMPSON (for Mr. WALLOP, for himself, Mr. DOLE, Mr. PRESSLER, Mr. SIMON, Mr. ROBB, Mr. LUGAR, Mrs.

KASSEBAUM, Mr. SYMMS, Mr. BOREN, and Mr. PELL):

S. RES. 275

Whereas, President F.W. de Klerk has promoted historic and irreversible change by committing South Africa to representative government;

Whereas, the South African Government, under President de Klerk's courageous leadership, has abolished many of the legal tenets of the system of apartheid and continues negotiations with the "Convention for a Democratic South Africa (CODESA)" for a new constitution extending full political rights to all South Africans;

Whereas, President de Klerk and other South African leaders have begun the process toward the establishment of a democratic and nonracial South Africa through the CODESA;

Whereas, Mr. de Klerk and the South African Government called a referendum regarding negotiations on constitutional reform on March 17, 1992;

Whereas, white voters in South Africa have affirmed a strong mandate for President de Klerk and the South African Government to proceed with constitutional reform and a more representative political system by a large majority vote in favor of continuing negotiations: Therefore, be it

Resolved, That:

(1) the Senate commends President F.W. de Klerk for his courage in calling a referendum and congratulates him on the successful outcome;

(2) The Senate commends President de Klerk and the South African Government for their commitment to a fully representative and nonracial South Africa and expresses its support for future good faith efforts toward these ends;

(3) the Senate commends the people of South Africa for their efforts to create a new political system through peaceful constitutional transition.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry, will hold an oversight hearing on the operations of the field offices of the U.S. Department of Agriculture, Wednesday, April 8, 1992, at 10 a.m., in SR-332.

For further information please contact Kathleen Merrigan of the committee staff at 224-2035.

ADDITIONAL STATEMENTS

NATIONAL AGRICULTURE DAY

• Mr. LAUTENBERG. Mr. President, today marks the observance of National Agriculture Day, a day which has been set aside to honor the achievements of all the men and women involved in American agriculture. Passed by joint resolution of Congress, the observance of National Agriculture Day offers the Nation an opportunity to reflect upon the vital though often unnoticed role agri-

culture plays in all of our lives. I am proud to be an original cosponsor of this resolution.

As you may know from our license plates, New Jersey is the Garden State, but what you may not know from driving along the New Jersey Turnpike is that New Jersey is a major agricultural State. New Jersey holds the distinction of ranking second nationwide in the production of blueberries, third in cranberries, fourth in peaches and asparagus, and sixth in sweet corn. New Jersey's most valuable agriculture products come from its floriculture and nursery producers who consistently show rankings in the top 10 as well.

Overall, New Jersey agriculture is responsible for \$250 million in farm products exports overseas each year. In addition, New Jersey farmers provide a wide variety of crops to both New Jerseyites and the consumers of surrounding States. New Jersey contains hundreds of thousands of acres of taxed open space, and can boast the oldest farm organization in the Nation, the New Jersey Agricultural Society founded in 1781.

At the time of the Civil War, most New Jerseyites like most Americans made their livelihood through some form of agriculture. Indeed, until the early part of the 20th century, America could be described as an agrarian nation. Today, few Americans can claim the distinction of being farmers. In fact, only 2 percent of the Nation's workforce is involved in the production of food. Though their numbers may be diminished, farmers and ranchers are no less important to this country than they were a century and a half ago.

The productivity of the American farmer is phenomenal in comparison to their relatively small numbers. One farmer can feed more than 100 Americans. It is truly staggering that the efforts of 2 percent of our citizens feeds the other 98 percent.

A recognition of agriculture, however, cannot be confined only to those who produce it. Following production, foodstuffs must be processed, shipped or exported, marketed, and sold. One out of every six Americans earn their living through this mammoth food system. By viewing the American agricultural system in this vein, agriculture becomes the Nation's largest industry, claiming 17 percent of our GNP.

The American agricultural industry can claim another distinction. Despite an economic downturn during the 1980's, agriculture, with the aid of New Jersey exports, remains competitive in world markets. The United States exports more agricultural products than any other nation, and agriculture is one of the American industries that continually boasts a positive trade balance.

National Agriculture Day honors the achievements of each of the important links in the American food chain. Agri-

culture remains our oldest viable industry, and is perhaps more important to our economy today than ever before. I offer my strong support for the efforts of both New Jersey's farmers and the Nation's farmers on this day set aside to honor them. •

EIGHTH GRADE YOUNG ESSAY CONTEST

• Mr. LUGAR. Mr. President, I rise today to congratulate a group of young Indiana students who have shown great educative achievement. I would like to introduce to my colleagues the winners of the seventh annual Eighth Grade Young Essay Contest which I sponsor in association with the Indiana Farm Bureau and Bank One of Indianapolis. These students have displayed strong writing abilities and have proven themselves to be outstanding young Hoosier scholars. I submit their names for the CONGRESSIONAL RECORD because they show the capabilities of today's students and are fine representatives of our Nation.

This year, Hoosier students wrote on the theme, "Getting to Know Your Hoosier Farmer." Students were encouraged to consider and creatively express what effect Indiana agriculture has on their daily lives. I would like to submit for the RECORD the winning essays of Jason Kiser of Cass County and Annisa Luking of Fayette County. As State winners of the Young Essay Contest, these two outstanding students are to be recognized today during a visit to our Nation's Capital.

The essay follows:

GETTING TO KNOW YOUR HOOSIER FARMER

(By Jason Kiser, Cass County)

Who is the man in the Pioneer Seed hat? He is a Hoosier Farmer; he is also a veterinarian, a market expert, an electrician, and an environmentalist. This Hoosier Farmer has many talents and represents many occupations combined into one.

He is a grain and hog farmer, to be more specific, with an average size farrow to finish confinement operation. He has been farming all of his life. He started farming on his own in 1960, 31 years ago. Since then he has learned a great deal, keeping up with the knowledge of new equipment and technology.

He must be a mechanic when a tractor or truck breaks down. He is also an electrician when an electric motor stalls at the grain dryer. He is a veterinarian when a pig is sick or when it's time to give iron shots. He must also play the market to sell his corn and bean crop. He is a scientist when choosing his hybrids for next year's crop or when applying pesticides and herbicides to fields.

How does he contribute to our nutritional well being? Just visit your local grocery store and look at the lean, healthy cuts of pork. He is always looking for better breeding stock and new feed technology to yield a better product.

The man in the Pioneer Seed hat is a very special Hoosier Farmer; he is my Dad. His willingness to work hard, his love for the land, and his delicious pork chops "hot-off-the-grill" have made an impression on me. I'm proud my dad is a Hoosier Farmer.

GETTING TO KNOW YOUR HOOSIER FARMER

(By Annisa Luking, Fayette County)

Farming is the most important occupation in the world. People cannot live without food. Almost all the food people eat comes from crops and livestock raised on farms. However, there is more to farming than corn, oats, cattle, and hogs. Some Hoosier farmers raise mint, popcorn, melons, sheep, and chickens. Some are full-time farmers while others have different jobs besides farming. Full-time farmers either own their own land or lease farmland. Part-time farmers usually rely on another job and farm for extra money or enjoyment.

I know a full-time farmer who is a dairy farmer. He milks sixty cows twice a day. He grows between 110-120 acres of corn, 125-130 acres of corn silage, and 45-50 acres of hay. All this is fed back to the cattle. Milk Marketing, Inc., of Cincinnati, Ohio, picks up the milk every two or three days, depending on milk production and space on the truck. Dairy farmers are paid by the pounds of milk they produce. The milk is tested on the farm for butter fat content and contamination. All this testing insures the quality and purity of the milk. The milk is hauled in a refrigerated stainless steel semi truck. M.M.I. is a buyer for different dairy companies. Their companies make cheese, yogurt, margarine, and other milk products.

The only source of income for this dairy farmer is the sold milk and baby bull calves. Dairy farming is a very demanding job. It is hard for this farmer to find time to take a vacation.

Farming is a very hard occupation. It requires a lot of physical and mental stress. Americans should appreciate the hard work of farmers. Dairy farmers are especially important in our lives because milk is so important in our lives!

1991-92 DISTRICT WINNERS

- District 1—Laura Druley, Solomon Shih.
- District 2—Michelle Kammerer, Matthew Stults.
- District 3—Dana Frey, Jason Kiser.
- District 4—Lindsay Hendricks, Ryan Hopper.
- District 5—Anne Hardin, J. Christopher Phillips.
- District 6—Marianne Johnson, Basil Eakin.
- District 7—Anne Newton, Matt Bonness.
- District 8—Annisa Luking, Bradley Miller.
- District 9—Jane Dall, Jeremy Wagner.
- District 10—Carmen Rohls, Eric Selle.

COUNTY WINNERS

- Allen: Shane Stieglitz, Sharon Hall.
- Bartholomew: Luke Jacobus, Emily Chui.
- Boone: Jeff Johnson, Kelly Carter.
- Carroll: Dana Frey.
- Cass: Jason Kiser, Sara Kiesling.
- Clay: Brad Long, Mandy Smith.
- Crawford: Felicia Johnson.
- Decatur: Clint Mattox, Kelly Stud.
- Delaware: Jason Adams, Marianne Johnson.
- Dubois: Sam Klawitter, Jane Dall.
- Elkhart: Matt Stults, Jessica Stutsman.
- Fayette: Brad Miller, Annisa Luking.
- Fulton: John Gunter, Mandy Wentzel.
- Grant: Joe Shelton, Shanna Futrell.
- Hamilton: Ryan Smith, Jilian Roundtree.
- Hancock: Jamie Lantz.
- Harrison: Billy Fessel, Emily Jo Ferree.
- Hendricks: Anne Hardin.
- Henry: Basil Eakin, Mandy Matlock.
- Jasper: Sam Streitmatter, Jennifer Pullins.
- Jefferson: Eric Selle, Meredith Hoffman.

Kosciusko: Jeremy Babcock, Michelle Kammerer.
 Lake: Solomon Shih, Lisa Kanouse.
 Lawrence: Rita Dillman.
 Marion: Matt Hess, Amber Browne.
 Miami: Ryan Hopper, Lindsay Hendericks.
 Morgan: J. Christopher Phillips.
 Netwon: Daniel Ryan, Ola Oleksy.
 Noble: Kristin Stangland.
 Posey: Daniel Hart, Kimberely Morlock.
 Parke: Blair Collings.
 Porter: Patrick Clennon, Kari Rietveld.
 Ripley: Carmen Rohls.
 St. Joseph: Patrick Szuba, Laura Druley.
 Shelby: Wendy Kay Brattain.
 Steuben: Thane Knox, April Clark.
 Sullivan: Rusty Nichols.
 Switzerland: Max Blodgett, Alice Wood.
 Vanderburgh: Andy Lampkins.
 Vigo: Matt Bonness, Anne Newton.
 Wabash: Brady McClure, Jodi Morningstar.
 Washington: Jason Metz, Tami Stone.
 Wells: Amanda Brjanski.●

A SPECIAL TRIBUTE TO RUSSELL BARRIOS FOR OUTSTANDING COMMUNITY SERVICE

● Mr. SEYMOUR. Mr. President, it is with great pleasure that I take this opportunity to commend Russell Barrios of Orange, CA, for his outstanding history of community service and his dedication to the students of the Orange Unified School District.

Over the years, Mr. Barrios has consistently displayed a sincere concern for the welfare of this Nation's children through his extensive involvement in community service organizations in Orange County, CA, and specifically in his home community, the city of Orange. His desire to assist his fellow citizens has led him to serve in a variety of capacities in many admirable organizations, from the Orange YWCA to the Orange County Arts Alliance. Yet his main focus has remained upon ensuring the welfare of our youth. His collection of distinguished awards from the California State Parent Teacher Association and the Association of California School Administrators are evidence of his exemplary service in his many leadership roles. These include his role on the board of trustees of the PTA, his position as PTA liaison to Orange Community Council PTA/PTSA from 1985-1991, and his several chairmanships, council memberships, and involvements in other PTA conventions and committees.

Mr. Barrios' dedication, diligence, and unwavering desire to help our children have secured him a spot in the appreciative hearts and minds of his colleagues and fellow citizens in California. His hard work has created positive change within his immediate community and far beyond, and his continued service will undoubtedly ensure the promotion of the admirable goals of the fine organizations with which he has associated himself. I am sure my Senate colleagues will join me in recognizing the outstanding accomplishments of my fellow Californian, Russell Barrios.●

TRIBUTE TO EDUCATION CHAMPION JODY HENDRY OF FORT MYERS

● Mr. GRAHAM. Mr. President, we live in an era of unprecedented change. As we approach the end of the 20th century, our world is vastly different from the world we were born into.

Yet, in the midst of rapid change, we accept a basic principle that has not changed and will not change: education and training are fundamental to a strong America.

Today, I am honored to offer a tribute to a champion for education, Jody Tharp Hendry of Fort Myers, FL. Jody Hendry personifies the pursuit of excellence at Edison Community College, which serves southwest Florida.

The college has thanked Jody Hendry for her countless contributions by naming a building on campus in her honor; an edifice that will stand as a monument to her dedication to education.

But an equally lasting monument to her is not made of bricks or stone: It is the doors she has opened for thousands of Edison Community College students. In the parlance of education world, she has "ensured access to higher education."

In straight-forward language—which Jody Hendry prefers—she helped people. She helped her community, her church, her American Legion Post, her public library, her Parent-Teacher Association, her hospital and the Edison Pageant of Light.

Above all, she helped a young community college become an institution of excellence.

In 1975, Jody Hendry took over the Edison Community College Endowment Corp. The account had a grand total of \$34.25. Since then, the endowment has grown to \$7.5 million. Each year, more than 700 students at Edison Community College get scholarship help via the endowment corporation. A report compiled by the Council for Aid to Education and the Council for Advancement and Support of Education listed the Edison Community College Endowment Corporation as the top public 2-year college foundation in the Nation in funds raised.

This phenomenon did not occur by waving a magic wand. Hard work produced a healthy endowment. In her trademark hats and red pickup truck, Jody Hendry traversed southwest Florida, from barns to boardrooms, to earn support for higher education.

Jody Hendry served on the college's board of trustees from 1974 to 1988, and led its endowment from 1975 to 1991. She no longer sits on the board, but this one-time teacher will never leave the campus.

She will be on campus every time a young person gets a chance to succeed, thanks to a scholarship. She will be on campus every time a student learns a job skill on high-technology equipment

bought with private funds. She will be on campus whenever the majesty of the arts is seen by the human eye.

In many ways, education is a timeless, collective endeavor. But the essence of education—the foundation for learning—is one person who makes a difference. Jody Hendry is one person who made a difference for many.●

UNIONS AND AMERICAN ECONOMIC COMPETITIVENESS

● Mr. WIRTH. Mr. President, on February 9, the Washington Post published an article discussing "Unions and American economic competitiveness," a newly published collection of academic research. The book discusses the perception that unions have hampered American competitiveness. This view was common in the early 1980's when heavily unionized industries like steel and automobiles were suffering from foreign competition and many may still hold it today.

However, the book notes that the competitiveness of our newer high-tech nonunionized industries—such as computers and semi-conductors—has also declined in the 1980's. We face a very real competitive challenge, Mr. President, but I don't think we can or should make unions a scapegoat for the problem. Instead, we should work to meet the challenge and ensure that our workers—both union and nonunion—are able to develop the job skills and flexibility needed in a modern economy and continue to have access to well-paying jobs.

The book argues that unions can help our workers and businesses meet the competitiveness challenge. Unionized workers are a highly skilled and motivated part of our work force. In many respects, they are the kind of workers we need in order to increase productivity. Many businesses will benefit if they look upon organized labor as a partner in the fight to improve American competitiveness, not an obstacle.

I encourage Senators to read the Washington Post article that outlines the book's message and ask that it be printed in the RECORD at the conclusion of my remarks.

The article follows:

ATTACKING THE NOTION THAT UNIONS HURT U.S. COMPETITIVENESS

(By Frank Swoboda)

As labor unions in the United States continued to melt like an ice cube left at room temperature, it's getting harder and harder to blame them for the nation's competitive woes.

That's the conclusion of a contrarian new book by the Economic Policy Institute (EPI), "Unions and American Economic Competitiveness," a compendium of new research by academics in the labor and employment field.

Economists Lawrence Mishel and Paula B. Voos, writing in the introduction, note that in the early 1980s, unions were blamed in large part for the nation's growing trade def-

icit. Unions were targeted by their critics because they were heavily involved in industries such as steel and autos that were hardest hit by import competition.

At the time, the authors said, these heavily unionized industries, with their high wages, were the big losers in the new global competition, while largely nonunion, high-technology industries were flourishing. Therefore, unions were seen by many as an impediment to competitiveness.

"Looking back," Mishel and Voos write in their new book, "we can now see how misleading these stylized facts were. Rates of unionization fell throughout the decade, with no discernible spur to competitiveness. By the end of the 1980s our trade deficit was still substantial, but our trading position had deteriorated in unionized, mature industries and in high-tech nonunion sectors."

The book argues that the countries that represent the greatest competitive challenge to the United States "have equaled or surpassed the U.S. in the wages, benefits and public services provided to their workers—and in the degree of unionization of their work force."

As a consequence, the book says, these countries should be the model for U.S. business and government rather than the current competitiveness policy of "abandoning unions and imitating low-wage countries."

It is an argument that would be expected from the EPI, which is heavily financed by the nation's trade unions, a fact it does not try to avoid. But the economic arguments are persuasive and no more biased than often-cited studies from other Washington think tanks largely financed by business.

"If unionization were a necessary condition for our declining competitiveness, then nonunion industries should be unaffected," write Mishel and Voos. "The declining competitive position of nonunion, high-tech industries in the late 1980s makes it clear that there is no necessary connection. The sun has been setting on our so-called 'sunrise' industries."

Citing studies by the Congressional Office of Technology Assessment, the authors point to the computer and semiconductor industries as prime examples of the fall of the high-tech sector at the hands of the nation's foreign competitors. The authors note that from 1983 to 1989, the U.S. market share of the computer industry fell from 81 percent to 61 percent, and during that period Japan has simply taken over the semiconductor business.

"There are many other reasons to be skeptical of the claim unions are associated with our competitiveness problems," the authors wrote. Outlining a section of the book authored by Harvard economist Richard Freeman, the authors contend that unions do raise wages, and they tend to have added value for a company in the form of higher productivity.

Dale Delman, an economist at the University of Wisconsin in Milwaukee and a contributor to the EPI book, concludes from his studies that "the negative consequences [of unions] cited by most economists—higher prices and lower employment—are largely mitigated by higher productivity and lower profits," rather than higher prices, meaning union employers are passing all their cost increases to the consumer.

In another section of the book, Jeffrey Keefe, a Rutgers University assistant professor industrial relations, presents evidence to show that "nonunion firms are no more likely to modernize and adopt new technologies than union firms." In fact, he notes, "work

rules are as evident in nonunion workplaces as in union ones." in the form of unilaterally imposed requirements on how jobs are performed. He cites this as one of the reasons nonunion firms have been experimenting in recent years with employee participation programs and other forms of labor-management cooperation that have been taking place in the unionized sector of industry.

The book cites preliminary findings that suggest workplace committees in nonunion companies may actually have negative productivity implications.

The EPI studies conclude "there is reason to believe that the union sector is beginning to outpace the nonunion sector with regard to experimentation with the type of serious workplace innovations that have a potentially large impact on productivity."

Although noting that nonunion companies in the United States were the ones that pioneered such innovations as quality circles and other worker participation programs, including many profit-sharing programs, the EPI studies contend that by the end of the 1980s "the large union employers either equalled or surpassed the large nonunion employers with regard to virtually all flexibility and productivity-enhancing workplace innovations, with the sole exception of profit-sharing."

Faced with the choice of trying to compete in mass production at progressively lower wages, the EPI authors conclude the United States should "try to enhance productivity through more investment in highly skilled and motivated labor, people who are willing to be utilized flexibly by their employers because they are economically secure and have an independent voice in their future."

Needless to say, the authors believe those employees are most apt to be union members. •

A TRIBUTE TO THE SALK INSTITUTE FOR 30 YEARS OF EXCELLENCE

• Mr. SEYMOUR. Mr. President, I am delighted to have this opportunity to commend the founding members and current staff of the Salk Institute of San Diego, CA, as they prepare to celebrate the momentous occasion of their 30th anniversary.

Thirty years ago, Dr. Jonas Salk, the founding director of the Salk Institute, chose San Diego, CA, as home for his new biomedical research center. Over the past three decades, Dr. Salk's project has blossomed into one of the world's largest institutions for basic biomedical research. The Salk Institute now ranks with such distinguished and world renowned laboratories as the Institut Pasteur, the Weizmann Institute, and the Rockefeller University. The institute operates on an annual budget of \$37 million, consisting of grants from the National Institutes of Health, the National Science Foundation, and donations from the private sector.

Dr. Salk's original vision was unique, as he wanted to establish a facility where scientists could focus solely on their research, free of the teaching and treatment responsibilities associated with traditional university and hospital laboratories. Today, the institute

employs 520 individuals, of which 220 are M.D.'s and Ph.D.'s, and 8 of whom are Nobel laureates. Many of those serving on the Salk staff also have professorships with the University of California, San Diego, and are involved in internationally recognized collaborative clinical programs.

The distinguished scientists of the Salk Institute have, indeed, made many landmark contributions to the field of biomedical research. Diligence, brilliant talent, and 30 years of unwavering devotion to improving the quality of human life have been key elements in defining the institute's tradition of excellence. The Salk Institute will undoubtedly continue in its admirable quest to fulfill the promise of a better life for the generations of tomorrow. I am confident my Senate colleagues will join me in recognizing the exemplary accomplishments and goals of the Salk Institute. •

TRIBUTE TO TIMER E. POWERS

• Mr. GRAHAM. Mr. President, this coming Friday, March 20, 1992, the friends of Timer E. Powers will be gathering at the Martin County Tax Payers Association in my State of Florida to honor him for being an outstanding Floridian and the quintessential public servant.

As a native son of Florida, he has dedicated his entire life to his family, his community, and to making our State a better place in which to live.

Timer's labor of love has been an inspiration to all of us. One of his crowning achievements was serving Martin County for 12 years on the board of county commissioners. With his conservative, fiscally responsible ideology, he served his constituents well.

To his credit, and to the benefit of future generations of Floridians, he helped negotiate the preservation of, and access to, Martin County's limited oceanfront property in the Save Our Beaches project. As a defender of our natural resources, he has had few equals.

He served with vigor and dedication for 4 years on the board of the South Florida Water Management District. As a strong environmentalist, he championed the restoration of the Kissimmee River, was instrumental in settling a controversial lawsuit over the State of Florida's environmentally sensitive Florida Everglades, saving the Loxahatchee River, Florida's only national wild and scenic river.

As a man of good nature and peaceful disposition, he successfully negotiated a historic water compact between the Seminole Indian Nation, the U.S. Government, the State of Florida, and the South Florida Water Management District, concluding a conflict that was over 150 years old.

Floridians are indeed fortunate to have in our midst a person as giving

and as selfless as Timer. Timer E. Powers personifies the idea of volunteerism and unselfish dedication, a wonderful example of people helping for the good of all humanity.

There is no finer way to honor our fellow men than to bring to the attention of our Nation an individual whose efforts have made a positive impact upon others.

"We make a living by what we get—but we make a life by what we give"—by all accounts, Mr. Powers has made a great life, and I ask my colleagues to join me in saluting and honoring my good friend, Timer E. Powers on this very special day.●

SECTION 9 OF THE CONCURRENT RESOLUTION ON THE BUDGET

● Mr. SASSER. Mr. President, I hereby submit revised budget authority allocations to the Senate Committee on Finance and aggregates under section 9 of the concurrent resolution on the budget, House Concurrent Resolution 121.

Section 9(a) of the budget resolution states:

SEC. 9. DEFICIT-NEUTRAL RESERVE FUND FOR FAMILY AND ECONOMIC SECURITY INITIATIVES IN ACCORDANCE WITH PROVISIONS OF THE SUMMIT AGREEMENT.

(a) INITIATIVES TO IMPROVE THE HEALTH AND NUTRITION OF CHILDREN AND TO PROVIDE FOR SERVICES TO PROTECT CHILDREN AND STRENGTHEN FAMILIES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to improve the health and nutrition of children and to provide for services to protect children and strengthen families within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1992, and will not increase the total deficit for the period of fiscal years 1992 through 1996.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

Subsection (c) of section 9 of the budget resolution provides:

(c) CONTINUING IMPROVEMENTS IN ONGOING HEALTH CARE PROGRAMS AND PHASING-IN OF HEALTH INSURANCE COVERAGE FOR ALL AMERICANS.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to make continuing improvements in ongoing health care programs or to begin phasing-in health insurance coverage for all Americans with such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1992, and will not increase the total deficit for the period of fiscal years 1992 through 1996.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

On March 3, 1992, the Finance Committee reported S. 2325 and H.R. 4210. S. 2325 and H.R. 4210 as reported and modified qualified as legislation that would "increase funding to improve the health and nutrition of children"—in the words of section 9(a) of the budget resolution—and that would "increase funding to make continuing improvements in ongoing health care programs"—in the words of section 9(c) of the budget resolution—and also met the other requirement of section 9 of the budget resolution that—

to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit . . . in this resolution for fiscal year 1992, and will not increase the total deficit for the period of fiscal years 1992 through 1996.

As S. 2325 complied with the conditions set forth in the budget resolution, under the authority of sections 9(a)(2) and 9(c)(2) of the budget resolution, on March 10, 1992, I filed with the Senate appropriately revised budget authority allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out section 9 of the budget resolution. These revised allocations and aggregates appear at page 4746 of the CONGRESSIONAL RECORD of March 10, 1992.

The Senate passed and went to conference with the House of Representatives on H.R. 4210. Just this morning,

the committee on conference on H.R. 4210 submitted a conference report on the legislation. As did S. 2325 and the version of H.R. 4210 reported and modified by the Finance Committee, the conference report on H.R. 4210 includes provisions that would "increase funding to improve the health and nutrition of children"—in the words of section 9(a) of the budget resolution—and that would "increase funding to make continuing improvements in ongoing health care programs"—in the words of section 9(c) of the budget resolution.

The conference report includes provisions that increase the earned income tax credit for low-income families with children and would provide a refundable tax credit for families with children. These provisions would "increase funding to improve the health and nutrition of children"—in the words of section 9(a) of the budget resolution—by targeting an increase in the refundable tax credit for families with children.

The conference report also includes provisions that would extend health care benefits provided for under the Consolidated Omnibus Budget Reconciliation Act of 1985 [COBRA]. The conference report also includes provisions that create two new entities—the Coal Industry Retiree Health Benefits Corporation and the 1991 Benefit Fund—to replace two coal industry health funds that are experiencing financial difficulties. These provisions will ensure that retired coal miners, their widows, and their dependents continue to receive the health benefits for which they contracted. In the words of section 9(c) of the budget resolution, these two provisions "increase funding to make continuing improvements in ongoing health care programs."

The conference report on H.R. 4210 also meets the other requirement of section 9 of the budget resolution that—

to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit . . . in this resolution for fiscal year 1992, and will not increase the total deficit for the period of fiscal years 1992 through 1996.

As the conference report on H.R. 4210 complies with the conditions set forth in the budget resolution, under the authority of sections 9(a)(2) and 9(c)(2) of the budget resolution, I hereby file with the Senate appropriately revised budget authority allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection.

The material follows:

REVISED BUDGET RESOLUTION AGGREGATES AND ALLOCATIONS

(In millions of dollars)

	1992	1992-96
Budget authority	1,270,713	

REVISED BUDGET RESOLUTION AGGREGATES AND ALLOCATIONS—Continued

(In millions of dollars)

	1992	1992-96
Outlays	1,201,701	—
Revenues	850,501	4,836,179
Finance budget authority	491,344	2,833,568
Finance outlays	487,437	2,811,308

THE CRIME BILL

• Mr. D'AMATO. Mr. President, yesterday's cloture vote on the crime bill was a vote on one essential question: Are you for or against a real Federal death penalty for street level gun murders?

The crime bill said no to that meaningful death penalty, which I sponsored. In its place, the so-called crime bill offered a sham. It allows the death penalty for the murder of Federal egg inspectors but it eliminates the real death penalty that I sponsored. That is why I voted against the crime bill.

My amendment provided for a nationwide death penalty for the street level gun murders that are at the heart of our nation's crime problem. The crime bill opposes that death penalty.

My amendment, which the Senate adopted last year by vote of 65 to 33, would have brought the death penalty to New York and other States that do not have the death penalty today. The crime bill says no to that death penalty, so I say no to the crime bill.

The reason the crime bill conference does not contain a real death penalty is no secret. The superliberals in the crime bill conference took it out.

That is a disgrace. Uniform crime reports indicate that about 14,000 murders are committed annually involving firearms. Yet the crime bill conferees refused to put in the most meaningful weapon against these brutal homicides.

My amendment was not complicated or hard to understand. It simply said there could be a national death penalty if the criminal causes the death of a person "intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or *** through the intentional infliction of serious bodily injury."

Is not that exactly what the people want? Of course it is. Then how can we let the superliberals stifle the people's will?

Mr. President, in good conscience, I could not.

Under my amendment, Federal jurisdiction to seek the death penalty would exist if it was committed in the course of some other Federal crime, or if the firearm involved in the offense had moved at any time in interstate or foreign commerce. Since the firearms used to commit murder have usually been manufactured in a different State and transported over a State line, this would have the practical effect of extending Federal jurisdiction over most firearm murderers.

The crime bill conference has said no to this meaningful, tough anticrime and prodeath penalty amendment. I therefore say no to the crime bill conference. It is that simple.■

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principle objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by the foreign government or organization.

The select committee received a request for a determination under rule 35 for Chuck Kleeschulte, a member of the staff of Senator MURKOWSKI, to participate in a program in Taipei, sponsored by the Chinese National Association of Industry and Commerce [CNAIC], from November 30 to December 6, 1992.

The committee has determined that participation by Mr. Kleeschulte in this program, at the expense of the CNAIC, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Senator MURKOWSKI and Mrs. Murkowski, to participate in a program in Taiwan and Japan, sponsored by the Chinese National Association of Industry and Commerce [CNAIC], the Brookings Institution, and the United States Government from November 29 to December 9, 1992.

The committee has determined that participation by Senator MURKOWSKI and Mrs. Murkowski in this program, at the expense of the CNAIC, the Brookings Institution, and the U.S. Government is in the interest of the Senate and the United States.■

ATLANTIC MUTUAL'S 150TH ANNIVERSARY

• Mr. D'AMATO. Mr. President, I would like to take this opportunity to extend my warmest greetings and congratulations to the employees of the Atlantic Mutual Insurance Co. on the occasion of their sesquicentennial. The Atlantic Mutual Insurance Co. was founded in New York City on April 11, 1842, by a group of New York shipowners and merchants. They joined together to insure their businesses against losses and thus launched one of New York's oldest companies.

Atlantic Mutual was founded on Wall Street and quickly became a leader in

the marine insurance business, which was its sole line during the first 90 years of operation. In the early 1930's the company began to diversify into commercial, personal property, and casualty insurance protection for businesses, families, and individuals.

As a mutual company, Atlantic is owned entirely by its policyholders. They elect the board of trustees and have the opportunity to share in the profits. Today, the company has some 1,800 employees nationwide, and 21 offices throughout the United States serving independent insurance agents and brokers.

I would like to take this opportunity to congratulate and thank all of the many people who have contributed to the success of the Atlantic Mutual Cos. The continuing efforts and dedication of each person associated with Atlantic Mutual has made this very special celebration possible. This kind of commitment represents the best of New York and I commend these efforts.■

KALIHI-PALAMA HEALTH CLINIC: CREATIVE SOLUTIONS TO UNIQUE PROBLEMS IN EFFECTIVE HEALTH CARE DELIVERY

• Mr. AKAKA. Mr. President, everyone is well aware that we are in the midst of a national health care crisis, with contentious debates over a multitude of proposed remedies and the assurance that any adequate effort will involve billions of dollars.

At such moments, it is our unfortunate tendency to overlook the trees for the forest. There is one, in particular, whose branches give great comfort and whose sturdiness, in these unsteady times, restores our faith.

I would like to give special recognition to a courageous and innovative churchfront haven of care in Hawaii, the Kalihi-Palama Health Clinic—appropriately named, Hale Ho'ola Hou, the House of New Life.

Are they one of the myriad clinics throughout the United States that strive to reach and help the poor, the homeless and those with no health insurance?

Are they one of those shoestring operations that deserve—but do not often receive—our attention, praise, respect, and support for their humanity, skill and commitment?

Absolutely, and more. Absolutely, because the dedication, professionalism and resourcefulness of those who empower the Kalihi-Palama Health Clinic personify the kind of must-do, can-do spirit that drives all of these unsung centers of compassion.

Yes, Kalihi-Palama reaches the poor. Over 75 percent of the patients served in 1990—exclusive of homeless patients—had annual family incomes below the Federal poverty level.

Yes, they reach the homeless, accounting for 32 percent of all 1990 patient visits.

And yes, they reach those with no health insurance: 56 percent of the 1990 patient load, not counting the homeless treated, an average of 66 percent the previous 4 years.

More, because the House of New Life exists to overcome an additional set of barriers that, I would surmise, relatively few facilities in other regions encounter.

First, 85 percent of the patients are Asian or Pacific Islanders.

Second, half of those served are first-generation immigrants or refugees. As one significant consequence, delayed immunizations account for 75 percent of all visits by immigrant children to pediatric medicine.

Third, as one would imagine, many of their clientele are unfamiliar with Western medical practices. In fact, very often, they are totally bewildered by them.

Fourth, a significant proportion of those who go to the clinic are also unable to speak English. Approximately 50 percent of the patient visits to adult medicine require a translator. In order to ensure proper care, the clinic maintains a multilingual, multicultural staff capable of communicating in nine Asian and Pacific languages and dialects, plus Spanish.

Combine all of these factors with the bottom-line statistic that Hale Ho'ola Hou handles 37,000 patient visits annually, and you will begin to understand why I have such a towering admiration for this amazing endeavor and the wonderful people who are at the soul of its success.

Seventeen years ago, the House of New Life opened its doors and its arms to the people of the Kalihi-Palama area, which contains the highest concentration of non-English speakers in the State of Hawaii. Today, even with a daily caseload that is 15 times what it was in 1974, 50 percent of those served by the clinic are still residents of the Kalihi-Palama community.

Founded by the Reverend Richard Wong and a group of concerned citizens, the Kalihi-Palama Health Clinic first offered a program of general medicine, provided by a cadre of volunteer physicians and nurses.

Today, they offer a half-dozen primary and preventive health care services, as well as perform vital educational and teaching functions. They provide: general medicine, family planning, optometric service, dental care, WIC nutrition, health education, homeless treatment—which includes primary services, mental health care, substance abuse counseling and social service referrals. It is also a clinical instruction site for the University of Hawaii School of Medicine.

All told, Executive Director Beth Giesting and the entire clinic family epitomize all that is best about people of true compassion who give every measure of time, talent, and self to making this a better world.

Even as Hawaii's progressive health care system nears 98 percent coverage, it must be understood that gap groups do, and will always, exist. Distinctive social and cultural circumstances will continue to be a part of the American spectrum. Though universal coverage may someday be available on a national scale, community health clinics such as Kalihi-Palama will remain essential, for they provide primary and preventive services to those who are the most difficult of all to reach—those who need only to walk in, to know they will never be turned away and to learn that there are indeed others who truly care.

That is the essence of the tribute I give today. Everyone who has ever been, and will ever be, touched by the hearts and hands of Hale Ho'ola Hou will be eternally enriched in both body and spirit.

Mr. President, I commend to the U.S. Senate the Kalihi-Palama Health Clinic, Hawaii's House of New Life—and Great Love.●

ARKANSAS TECH GOLDEN SUNS

● Mr. PRYOR. Mr. President, recently the Arkansas Tech Golden Suns women's basketball team won the NAIA championship. This outstanding team, coached by Joe Foley, did what no other NAIA basketball team in Arkansas has ever done before.

The second-seeded Golden Suns, making their first NAIA tournament appearance, defeated No. 4 Wayland Baptist 84-68. They finished the season with a school record 35-1 mark, including 28 straight wins. Sophomore guard, Dawn Grell, from Greenbrier, averaged 25 points for the tournament and was named most valuable player.

I want to congratulate Coach Foley and the fine women athletes of Arkansas Tech in Russellville, AR. Basketball fans all across our State salute them.●

TRIBUTE TO GEORGETOWN

● Mr. MCCONNELL. Mr. President, I rise today to recognize the town of Georgetown, situated in north-central Kentucky.

Georgetown is located in the low-rolling fields of the Bluegrass in thoroughbred country. It offers the tranquil surrounding of farm living with the short commute to a large metropolitan city.

Toyota Motor Corp. selected Georgetown as the site for its first wholly owned auto manufacturing plant in the United States. Toyota has been pouring millions into capital expenditures and expects to complete another assembly plant in late 1994 which is expected to raise Toyota's total employment to more than 5,000 workers.

Georgetown College plays an integral role in the community. The college was

chartered in January 1829 as the first Baptist college west of the Allegheny mountains. Georgetown College has established itself as an outstanding academic institution in the Commonwealth. William H. Crouch, Jr., Georgetown's new president, is expected to carry on the college's fine tradition.

Georgetown is a wonderful small town and should be heralded as one of America's finest towns. It is a true Hometown, USA.

Mr. President, I would like to have the following article from the Louisville Courier-Journal be inserted into the CONGRESSIONAL RECORD.

The article follows:

[From the Louisville Courier-Journal, Jan. 27, 1992]

GEORGETOWN: DESPITE IMPACT OF TOYOTA BOOM, THE COMMUNITY MAINTAINS ITS QUALITY OF LIFE

(By Richard Wilson)

Three years ago when Robert "Flash" Williams was transferred back to Central Kentucky, he and his wife, Carol, considered living in Jessamine, Woodford, Fayette or Scott counties.

Williams, an executive with GTE, said they found some pluses for the other counties but finally decided to return to Georgetown, in Scott County, where they lived for 16 years before their 1984 transfer to Myrtle Beach, S.C.

We knew Georgetown, knew how friendly the community was, and found a house the same size as one we were looking at in Lexington but had a larger lot and was a little over \$100,000 less.

"All of those things drew us right back to where we came from," he said.

Since then, he said, there have been no regrets at resuming the family's outer-Blue Grass lifestyle that lets him commute the 11 miles to his Lexington office in about 20 minutes and keeps his wife in the town where she teaches in the local school system.

Georgetown's lifestyle also drew Milt and Janet Patton to the Scott County seat 20 years ago when they moved to Central Kentucky. "We took a look at Lexington. . . and then took a look at Georgetown, and clearly the sense of community in Georgetown for a place to raise our family was far superior in our opinion. And that turned out to be true," said Milt Patton, a professional planner and developer.

"Quality of life" and "sense of community" are often mentioned by Georgetown residents to explain why they live there. Pinning down what those two phrases mean, however, is more difficult. But explanations include the small, college-town atmosphere, clean tree-lined streets; Elkhorn Creek, which meanders around the city; good schools; one of the state's best parks programs; a growing economy; and effective local government.

These attributes notwithstanding, there is a combination of wariness and optimism toward the 201-year-old town's future. As most everyone knows, in late 1985 the Toyota Motor Corp. selected Georgetown as the site for its first wholly-owned auto manufacturing plant in the United States. Since then Toyota has poured \$1.1 billion into its auto-assembly and power-train plants. And in 1990 the company announced an additional \$800 million investment for another plant, which when completed in late 1994 is expected to raise Toyota's local employment to more than 5,000 workers.

Although Toyota has given Georgetown an economic shot in the arm, it didn't spark the economic boom many local officials expected—or the massive growth problem many residents feared. That's primarily because many of the new workers decided to commute, instead of moving to town after Toyota's first plant was completed 1988.

"I think we underestimated the tendency of these workers to commute," said Georgetown Mayor Tom Prather.

A lack of affordable housing also stymied residential growth, he added.

Only about 20 percent of the auto plant's 4,000 workers live in Scott County, said Toyota spokesman Jim Wiseman. But many officials say the city's slower-than-anticipated growth—from 10,972 to 11,414 residents between 1980 and 1990—was a blessing since it gave the area time to prepare for whatever changes Toyota will bring.

After nearly two years of meetings by a citizens' committee and planning officials, the city and county have developed a comprehensive plan to chart the area's future for at least the next five years. The 11-section plan covers growth and development, transportation, economic development, education and most other concerns of a modern city.

The growth hiatus, and the plan, have been an unexpected blessing. Local planner Beth Stewart, a transplanted Californian, puts it this way: "I guess what we found is that we're going to be able to maintain all the kind of rural, historical, small-town qualities that people really like about this place, but at the same time we're going to enjoy a lot of community services and community activities that typically are available in larger cities. In some ways, it's the best of both worlds."

While some skepticism still exists toward Toyota, Prather and several others recently said the auto giant has given Georgetown opportunities it would not have otherwise had. The manufacturer has contributed to numerous local causes, including the donation of 10 Camrys to local government, \$1.2 million toward the purchase of a community center and creation of a child-care facility, and \$100,000 for a new youth center. It is also donating more than \$1 million annually to the local school system in lieu of property taxes, and its workers pay a city and county occupational tax of 1 percent.

"Toyota's been an excellent corporate citizen. They've constantly been asking 'What can we do to help you?' rather than being at the negotiating table saying 'We're not going to do this. What edge can we get because we're the biggest employer in Scott County?'" developer Taylor Cannon said.

Prather, who became Georgetown's first full-time mayor in 1986, also notes that Toyota-produced revenue is responsible for much of the city's general fund budget, which has shot up from \$2.2 million in 1986 to this year's \$6.7 million. The additional revenue, he adds, has allowed the city to increase its police force from 17 to 29 members and the fire department from three to 17 full-time members. The city's ambulance and emergency medical services have also been upgraded.

But the automaker's biggest impact is that it has cushioned the area's economy from the souring downturn faced by many other cities.

"Right now, our economy is good overall. Scott County would be in real bad shape if it were not for that big employer out there that's doing well," said lawyer Richard Rawdon Jr.

Marge Crisp, a local real-estate agent and developer, agrees. Crisp is one of several

local developers who have begun building moderate-income homes expected to draw more Toyota workers to town.

"We have not noticed the recession here as much (as the rest of the country) . . . mainly because of Toyota. It's kept our economy strong," she said.

Noting a tumbling national homebuilding economy, Crisp says: "All of the builders here are extremely busy. They're about the happiest people you could see now."

One of the city's major problem, many residents say, is growing traffic congestion and a clogged Main Street, where convenient parking is often hard to find.

"With the amount of traffic we have, it makes it hard for many people to come downtown," said Prather.

But two improvements may help that situation. Plans for a new parking structure and expansion of a public parking lot are on the drawing board, and construction of the first leg of a new bypass—running from U.S. 25 south of the city to U.S. 460 on the east side of town, is under way, Prather said. A second leg of the bypass—from U.S. 25 to U.S. 460 west of town, will be necessary for downtown traffic relief.

Most of the city's commercial development is moving toward the city's east edge, close to the sprawling Toyota plant. Several restaurants, a car dealership and a new outlet mall have sprung up, and construction on another shopping center near the intersection of the bypass and U.S. 460-East is expected to begin this spring. Several businessmen say that center will undoubtedly continue erosion of the historic downtown's retail base.

Some merchants who have remained downtown acknowledge they've had to diversify to succeed. "You've got to be not only a drugstore, but you've almost got to be a 10-cent store, too," says pharmacist Gary Perry, co-owner of Main Street's Scott County Drug Store. "We make keys, sell gourmet coffee and even ship packages. Ten years ago, we wouldn't have thought of doing things like that."

Several years ago he and a partner purchased the next-door location of a Georgetown landmark—Fava's Restaurant—to keep it from being converted into office space. The restaurant, a downtown fixture since the early 1900s, is "information central" for local gossip and news.

"It's the spot downtown if you want to find out anything," says Mark Farrow, a local lawyer and state legislator.

While Toyota has thrust Georgetown into the national spotlight in recent years, Georgetown College—another community fixture—also brought it attention last month when the school won the NAIA Division II football championship. For years the college has played an integral role in the community, and many leaders expect new President William H. Crouch Jr. to forge even closer ties. Local businesses put up \$30,000 to land the national championship game between the college and Pacific Lutheran University.

As Georgetown looks toward its future, it has also remained mindful of its past as one of Kentucky's oldest cities. Earlier this month the city and county opened their first local historical museum. A museum is a fitting example now for a city both mindful of its past and confident of its future.

Patton, the planner and developer, summarizes the past and the future link by recalling a friend's comment about the town.

"He said 'Scott County and Georgetown face going from the 19th century to the 21st century in one bound,' and I believe it has. I really believe it's prepared for the 21st century." •

TRIBUTE TO BISHOP HOWARD THOMAS PRIMM

• Mr. WIRTH. Mr. President, I would like to use this occasion to recognize the achievements of a long-time resident of Colorado, who will be honored later this month for his outstanding contributions to his church, his community and to our Nation—Bishop Howard Thomas Primm of the African Methodist Episcopal Church.

Bishop Primm's record of spiritual service spans more than 70 years and covers nearly every corner of the Nation. He has served with distinction in 27 States and in Canada. His service to our country was first recognized by President Johnson for his disaster assistance work in West Africa. President Jimmy Carter also recognized Bishop Primm's work on the strategic arms limitation talks of 1978, and for his assistance in helping with the United States-Panama Neutrality Treaty. The Congressional Black Caucus has also honored Bishop Primm for his commitment to human rights and to peace.

Bishop Primm's work over the years has included establishing numerous churches, schools, clinics, and shelters. I suspect that if you listed every community he has touched in our country, you would have a document that would span the length of Colfax Avenue in Denver—which is the longest continuous street in America.

I am very honored to have a man like Bishop Primm as a constituent, and I want to take this opportunity to publicly recognize his many achievements and a career of religious and community leadership that are remarkable testaments to the power of faith. •

NATIONAL ENERGY POLICY

• Mr. PRYOR. Mr. President, I am pleased to speak today on the recently passed energy policy legislation. I congratulate the able majority leader as well as the managers of the bill who persevered to bring about a comprehensive energy plan.

I temper my praise for S. 2166, however, by saying that I would have liked to have seen some additional provisions included to assist the small independent oil producers who are quickly becoming an endangered species. These independent producers are only slightly helped by the bill, and those in the southern part of my State, the ones that are left anyway, are hanging on by their fingernails. I am encouraged by the fact that the current economic growth package bill offers some tax relief for independents, but that bill's uncertain future does not bode well for any ultimate relief.

Mr. President, I feel strongly about the need to put in place an energy policy and S. 2166, while not perfect, does establish a blueprint for addressing our future energy needs. It is a blueprint that is long overdue, but as the saying goes: better late than never.

Our country has rocked along the last decade enjoying cheap and abundant energy with little thought as to what our energy future might hold. Some have been very active in trying to sound the alarm, but up until now we have labored under the false assumption that our energy needs would always be met.

The need for a comprehensive energy policy is self-evident. For instance, our country would never attempt to fight a war without an overall strategy. With something as important to us as energy, which plays such a vital role in all our lives, we must have a game plan.

I believe the current state of our economy exemplifies what happens when there is no coherent, coordinated, prescient plan in place to guide us. Our economy has nose-dived largely because we have been lulled into believing that we can spend our way out of hard times, ignore our debt, and put off the hard decisions. Obviously the chickens have finally come home to roost and we are suffering the consequences of 12 years of "feel good, live for today" leadership as practiced by the last three administrations.

I realize the economic growth package passed last week by the Senate may not be enacted because of a probable Presidential veto, but I think it is a step in the right direction. We must put into place a sound plan for economic prosperity and not just leave it to chance. Mr. President, I apologize for my digression.

S. 2166 jerks us out of our energy complacency and puts us on track toward decreased dependence on foreign energy sources by setting standards, establishing goals, and assigning priorities—all things we have needed to do for a long time.

I have always believed a good, commonsense energy strategy would be to maximize both production and conservation with very strict adherence to environmental laws, as well as placing greater emphasis on the development of alternative and renewable fuels. S. 2166 generally follows this strategy although contentious provisions that would have allowed for greater production and conservation have been necessarily deleted.

There are other provisions that are controversial primarily because they deviate from the status quo. I believe that such deviation is warranted given the magnitude of what is being attempted. For example, exempting independent power producers from the Public Utility Holding Company Act could mean lower utility costs for consumers and industrial users. Streamlining natural gas licensing procedures may translate into greater use of this clean burning fuel. However, these and other policies contained in the bill are untested and should be monitored closely to assure they perform as in-

tended. We all know what happened in 1984 when we deregulated the cable television industry and then had to come back a few weeks ago and re-regulate because of unintended and unforeseen abuses. I am optimistic about most of what is in the bill, but I also think we need to exercise vigilance.

I don't believe S. 2166 will be the answer to all our energy problems. It certainly will not make the United States energy self-sufficient, and it only slightly decreases our dependency on foreign energy sources. Its true benefit is that it is an acknowledgment of the reality that our country is the largest consuming nation on Earth and we must therefore make the appropriate plans for our future energy needs.●

COMMENDING SAVOIE LOTTINVILLE

● Mr. BOREN. Mr. President, it is my pleasure to come to the floor of the Senate today to congratulate a fellow Oklahoman, Savoie Lottinville, this year's recipient of the 17th Annual Curtis Benjamin Award for Creative Publishing. The award is presented to a member of the U.S. publishing industry whose creativity and innovation has made a lasting contribution to the industry.

Clearly Mr. Lottinville has displayed a vision and an extraordinary ability to detect the future of his industry. During his 29-year service as director of the University of Oklahoma Press, Mr. Lottinville created a university publishing house with a national reputation for excellence which made unprecedented contributions to native American studies and many other areas. It has been used as a model for other regional university presses.

Issuing its first publication in 1929, the Oklahoma University Press was only the 13th university press established in the United States and the 1st press in the Southwest. Today, one of the Nation's 20 largest and most prolific university publishers, the University of Oklahoma Press publishes about 80 publications a year including the prestigious "World Literature Today," a quarterly review of literary works from around the world. Each issue of "World Literature Today" reviews poetry, fictional work, plays, and screenplays from 50 different language groups—offering further evidence of the university's global reach.

Under his guidance, the University of Oklahoma Press produced three different literary series which have earned worldwide recognition: The American Exploration and Travel Series; the Western Frontier Library; and the Centers of Civilization Series. In addition, he expanded the Civilization of the American Indian series begun by his predecessor, Joseph Brandt.

Savoie Lottinville is not only an example of academic excellence in Okla-

homa, he is also a product of that same excellence. He received his bachelor's degree from Oklahoma University, a master's degree from Oxford University which he attended as a Rhodes Scholar, and a doctorate in humanities from Coe College. His academic career included international studies in Bonn, Berlin, Munich, and Paris.

After his experiences abroad, Dr. Lottinville joined the University of Oklahoma Press as an assistant editor and business manager under its first director, Joseph Brandt. He succeeded Brandt in 1938, and for the next 29 years oversaw the press develop into what Time magazine called the "Nation's example of a successful regional publisher." After his retirement from the press in July 1967, he was named regents professor of history at the University of Oklahoma and spent the next 5 years teaching graduate students the techniques of historical composition.

I am proud that this Oklahoman has been honored by his peers and joins some of his most distinguished colleagues including Arthur Rosenthal, Stewart Brewster, Frederick Ruffner, and others.

Savoie Lottinville has touched the lives of countless Oklahomans. He has especially served as an inspiration for young Oklahomans and has personally committed a substantial portion of his personal means to endow prizes which recognize and encourage academic achievement.

I will always be grateful for my own personal friendship for Savoie Lottinville. He was a member of the selection committee which gave me an opportunity to study at Oxford as a Rhodes Scholar. Since that first meeting he has been a constant source of encouragement to me. I have never encountered a more broadly read or better educated man or woman in my lifetime than Savoie Lottinville. Perhaps even more important, I have never known a person with a more generous spirit or a deeper personal commitment to the highest possible ethical standards.

Once, when I was studying at Oxford, one of Britain's most distinguished scholars said to me, "Young man, I hope that you know that in your home State of Oklahoma, Dr. Savoie Lottinville has built one of the greatest university presses in the world." I remember the sense of pride I felt that day. And all Oklahomans continue to be proud to claim Savoie Lottinville as one of our own.●

TRIBUTE TO GEN. JAMES A. VAN FLEET

● Mr. GRAHAM. Mr. President, yesterday Gen. James A. Van Fleet, the senior living flag officer of all America's Armed Services, turned 100.

Living to be 100 is an incredible accomplishment. When you have lived

the kind of life the general has, it is nothing short of miraculous. The general's neighbors in Polk City, FL, 1,500 strong, celebrated that miracle yesterday.

General Van Fleet's life is high life film of the 20th century. He started out his career chasing Poncho Villa along the Mexican border in 1916 and ended up helping this country win two wars. In between, he even found time to coach the University of Florida football team in 1923.

The general began his remarkable career after graduating from the West Point military academy. Heading south on his first assignment, he joined "Black Jack" Pershing's campaign against Pancho Villa.

He went on to command an Army gun company in France during World War I and was wounded at the Battle of Sedan, France, 1 week before the armistice was signed.

During World War II's Normandy invasion, his forces spearheaded the Utah Beach landings. And he went on to lead his forces over the Rhine and into Germany in 1945.

The general went on to command the U.S. 8th Army and United Nations troops during the Korean war before retiring to Polk City in 1953.

The history of the Van Fleet family is in the best American tradition of patriotism and leadership. His grandfather fought in the Revolutionary War. Indeed, the general is reportedly the only living man who can say that. His father was a confidant of Abraham Lincoln.

The general is a shining example to all of us. May God bless him, and he should know that we all look forward to his next birthday. •

THE PLIGHT OF SYRIAN JEWS

• Mr. DODD. Mr. President, I rise today to address the human rights situation in Syria, and the plight of Jews in that State.

This week, Jews throughout the world mark the period of Shabbat Zachor, or the Sabbath of Remembrance. During this period, held before the Jewish holiday of Purim, the Jewish people are enjoined to remember the genocidal threat to the Jewish people that continues to exist today.

Indeed, Mr. President, while the fall of communism is to be rejoiced the world over, the fact is that hate knows no ideological or political boundaries. The rise of anti-Semitism has been reported in Eastern Germany, the former Soviet bloc countries—particularly Romania—and some of the former Soviet Republics.

But my remarks today are addressed toward Syria, where the murderous regime of Hafez al-Assad continues to terrorize and intimidate the Jewish population. Two Jewish brothers, Eli and Selim Swed, are two of the more

recent and brutal examples. Since November 1987, these two brothers have been held without formal charges, apparently because they had attempted to visit relatives abroad, whom they had not seen in over 30 years. Despite a hunger strike, they have been sentenced to 6½ years of imprisonment.

And we will never forget the names of Laura Sebbagh, Mazal Sebbagh, Farah Sebbagh and Eva Saad. In March 1974, these four women were brutally murdered while trying to escape from Syria, their mutilated bodies dumped outside their families' homes. Such an act of brutality has, to this day, gone unpunished.

Mr. President, on behalf of all Syrian Jews, I call on President Hafez al-Assad to let the light of freedom and liberation shine on the people of his country. And I call on President Bush, who has worked so well with Syria in the pursuit of war with Iraq, to rededicate himself to the pursuit of peace and human rights within Syria. •

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 539. Robert C. Frasure, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Estonia;

Calendar 540. Ints M. Silins, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Latvia; and

Calendar 541. Darryl Norman Johnson, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Lithuania.

I further ask unanimous consent that the Senate proceed to immediate consideration, and that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER (Mr. GORE). Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Robert C. Frasure, of West Virginia, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Estonia.

Ints M. Silins, of Virginia, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Latvia.

Darryl Norman Johnson, of Washington, a career member of the Senior Foreign Serv-

ice, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Lithuania.

Mr. MOYNIHAN. Mr. President, I am delighted that the Senate has before it the nominations for Ambassadors to the three Baltic nations. It is a moment to cherish, to savor. During the long decades of totalitarian oppression and terror the brave peoples of these states held true to the belief in freedom and their own independent destiny. I salute the peoples of Latvia, Lithuania, and Estonia and their compatriots here in the United States who struggled so long for freedom.

I would also think that this is an appropriate moment for the Senate to pause and consider the extraordinary career of our distinguished colleague from Rhode Island, the chairman of the Committee on Foreign Relations, CLAIBORNE PELL. How fitting that this man whose career of service to the people of the United States has been so long and illustrious should have presided over the vote of the Committee on Foreign Relations which approved these nominees. My colleagues are no doubt aware that Chairman PELL was once himself a diplomat in the Baltics. He never wavered in his support for their freedom, and now he has presided over Senate consideration of these nominations to these states.

But there is even more of Chairman PELL's extraordinary career reflected in this moment. With the cold war at an end, the United Nations has begun to function as the drafters of the Charter intended. The Baltic nations have joined as members. It is a measure of his long service to this Nation that CLAIBORNE PELL was there, present at the creation of the United Nations at the San Francisco Conference. From the Baltics, to San Francisco, to the chambers of the Senate and the Committee on Foreign Relations, there are few if any who can claim to have served this Nation so well.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution on representation by the Senate legal counsel and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 274) to authorize representation of a Member of the Senate in Little Walter Norton V. Miller, et al.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the petitioner in a State habeas corpus proceeding in Georgia has subpoenaed numerous Federal, State, and county officials to testify at the habeas hearing, including Senator SAM NUNN. This resolution would authorize the Senate legal counsel to represent Senator NUNN in order to move to quash this subpoena. Senator NUNN has no information relevant to this matter.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 274) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 274

Whereas, in the case of Little Walter Norton v. Miller, et al., Case No. 92V-063, pending in the Superior Court for Ware County, Georgia, the petitioner has caused to be issued a subpoena for the testimony of Senator SAM NUNN;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator SAM NUNN in connection with the subpoena in Little Walter Norton v. Miller, et al.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL AGRICULTURE DAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of House Joint Resolution 272, a joint resolution designating March 20 as "National Agriculture Day"; that the Senate proceed to its immediate consideration; that the joint resolution be read three times, passed; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 272) to proclaim March 20, 1992, as "National Agriculture Day."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LEAHY. Mr. President, I am a proud supporter of National Agriculture Day, and have great admiration for everyone that contributes to agriculture in the United States.

We were, at one time, an agrarian nation. Now, every year fewer and fewer farms exist across the country. We must not fall too far from our proud roots—we must not let this rural life vanish from the consciousness of our Nation.

Agriculture Day is important not only because it recognizes and honors all who are involved farming, ranching, and agricultural-related industries, but because it reminds the Nation of the great influence those farmers and ranchers have over the lives of their fellow Americans.

One American farmer or rancher today produces, in a year, enough food for 100 people. American farmers and those involved in farming and ranching feed not only the people of the United States, but many nations of the world.

If one were to measure the importance of different industries throughout the world, agriculture would certainly be among the ranking few, if not the single most important.

Agriculture is a yardstick by which we can measure the other institutions of American society. Agriculture is crucial to the way of life to which we have become accustomed. Our food supply is one of the most important underpinnings of our standard of living, and therefore is one of the most important parts of our life. It is for these reasons, and many more that I am proud to be a champion of National Agriculture Day.

The PRESIDING OFFICER. The question is on passage of the joint resolution.

The joint resolution (H.J. Res. 272) was passed.

The preamble was agreed to.

MEASURE INDEFINITELY POSTPONED—SENATE JOINT RESOLUTION 272

Mr. MITCHELL. Mr. President, I now ask unanimous consent the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 272, and that it be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING PRESIDENT F.W. DE KLERK AND THE SOUTH AFRICAN GOVERNMENT

Mr. SIMPSON. Mr. President, I send a resolution concerning the Government of South Africa to the desk on behalf of Mr. WALLOP, Mr. DOLE, Mr. PRESSLER, Mr. SIMON, Mr. ROBB, Mr. LUGAR, Mrs. KASSEBAUM, Mr. SYMMS, Mr. BOREN, and Mr. PELL and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 275) commending President F.W. de Klerk and the South African Government

Mr. SIMPSON. It is a resolution concerning the sense of the Senate regarding South Africa.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. WALLOP. Mr. President, I rise today to commend the courage of South African President F.W. de Klerk and to congratulate the Government of South Africa under his leadership on the referendum's outcome. This is a dramatic turning point in the history of South Africa, one that, as President de Klerk said today, "Has closed the book on apartheid."

Through his vision and tenacity, Mr. de Klerk has put South Africa on an irreversible path toward representative government. This means participation by all of South Africa's citizens in the new South Africa, a South Africa which can again join the international community of nations with dignity.

In his speech opening the South Africa Parliament on February 1, President de Klerk outlined his goals clearly: "To enter the new century as one of the most successful and dynamic nations of the world." He acknowledged, too, that giving constitutional content to the values of a new South Africa would require long and thorough negotiation.

And that is why the outcome of this referendum is so exciting. Because the white voters in South Africa have voted overwhelmingly to continue negotiations on a new constitution, Mr. de Klerk can proceed with the credibility and assurance that his mandate is virtually absolute. His people support him.

In continuing multiparty negotiations, Mr. de Klerk well understands what is at stake and has taken great pains to proceed in a careful and fair manner. He realized that the idea of the present, legally constituted Government relinquishing its powers and simply handing over its responsibilities to some other temporary regime is not appropriate in a sovereign, independent country.

It is for this reason that he sought to structure the negotiations in a manner such that minority views could have

adequate representation. Should anyone question this approach, he or she would do well to reflect on our own Constitutional Convention negotiations, which took great pains to protect the rights of the minority from the "tyranny of the majority."

Afrikaners have been in South Africa for 340 years. Many people on both sides of this debate forget that fact. No one can question that these white South Africans, both English- and Afrikaans-speaking, have a claim to the land, nor can they question their identity as true Africans. Both black and white South Africans have valid claims to land in South Africa. I make this point, Mr. President, to emphasize that this cannot simply be a question of nationalization or of handing over all authority to the majority in South Africa. Such a course would unfairly exclude those who have a rightful and relative say in the future political system of South Africa.

Finally, Mr. President, I salute the courageous Mr. de Klerk for his commitment to put South Africa back on the road to prosperity—the economy is of great significance to all South Africans, who have watched unemployment escalate since the imposition of economic sanctions on that country. Lost jobs and a lost generation of youth who chose armed struggle over a high school education devastated prospects for economic recovery. It is for this reason that normalization of economic relations between South Africa and the rest of the world, concomitant with negotiations on a new constitution, are so important.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 275) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 275

Whereas, President F.W. de Klerk has promoted historic and irreversible change by committing South Africa to representative government;

Whereas, the South African Government, under President de Klerk's courageous leadership, has abolished many of the legal tenets of the system of apartheid and continues negotiations with the "Convention for a Democratic South Africa (CODESA)" for a new constitution extending full political rights to all South Africans;

Whereas, President de Klerk and other South African leaders have begun the process toward the establishment of a democratic and nonracial South Africa through the CODESA;

Whereas, Mr. de Klerk and the South African Government called a referendum regarding negotiations on constitutional reform on March 17, 1992;

Whereas, white voters in South Africa have affirmed a strong mandate for President de Klerk and the South African Government to proceed with constitutional reform and a more representative political system by a large majority vote in favor of continuing negotiations: Therefore, be it

Resolved, That:

(1) the Senate commends President F.W. de Klerk for his courage in calling a referendum and congratulates him on the successful outcome;

(2) the Senate commends President de Klerk and the South African Government for their commitment to a fully representative and nonracial South Africa and expresses its support for future good faith efforts toward these ends;

(3) the Senate commends the people of South Africa for their efforts to create a new political system through peaceful constitutional transition.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM

Mr. MITCHELL. Mr. President, next week the Senate may consider some of the following legislation: The Montana wilderness bill, S. 1696; the Resolution Trust extension; a continuing resolution to revise the budget walls between defense and domestic discretionary spending; S. 652, relating to telephone privacy; and legislation to clarify the provisions related to the construction of additional court space in Brooklyn, NY.

I will discuss these and other matters with the distinguished Republican leader and will make an announcement on Tuesday, with respect to the schedule for that date and the remainder of the week.

ORDERS FOR TUESDAY, MARCH 24, 1992

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2:30 p.m. on Tuesday, March 24; that following the prayer, the Journal of Proceedings be deemed approved to date; following the time reserved for the two leaders, there be a period for the transaction of morning business not to extend beyond 3 p.m. At that time, the Senate may proceed to any of the bills that I have just listed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TUESDAY, MARCH 24, 1992, AT 2:30 P.M.

Mr. MITCHELL. Mr. President, if there is no further business to come be-

fore the Senate and no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess until 2:30 p.m. on Tuesday, March 24.

There being no objection, the Senate, at 5:52 p.m., recessed until Tuesday, March 24, 1992, at 2:30 p.m.

NOMINATIONS

Executive nominations received by the Senate March 20, 1992:

THE JUDICIARY

MICHAEL BOUDIN, OF MASSACHUSETTS, TO BE U.S. CIRCUIT JUDGE FOR THE FIRST CIRCUIT VICE LEVIN H. CAMPBELL, RETIRED.

DENNIS G. JACOBS, OF NEW YORK, TO BE U.S. CIRCUIT JUDGE FOR THE SECOND CIRCUIT VICE WILFRED FEINBERG, RETIRED.

JUSTIN P. WILSON, OF TENNESSEE, TO BE U.S. CIRCUIT JUDGE FOR THE SIXTH CIRCUIT VICE ROBERT B. KRUPANSKY, RETIRED.

RICHARD H. KYLE, OF MINNESOTA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MINNESOTA VICE ROBERT G. RENNER, RETIRED.

C. LEROY HANSEN, OF NEW MEXICO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

JOHN G. HEYBURN II, OF KENTUCKY, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF KENTUCKY VICE THOMAS A. BALLANTINE, JR., DECEASED.

GORDON J. QUIST, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

PAUL L. SCHECHTMAN, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK VICE RICHARD OWEN, RETIRED.

PERCY ANDERSON, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA VICE ROBERT C. BONNER, RESIGNED.

LAWRENCE O. DAVIS, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

ANDREW S. HANSEN, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

JOE KENDALL, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

RUSSELL T. LLOYD, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

LINDA H. MCLAUGHLIN, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

LEE H. ROSENTHAL, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

JOHN P. WALTER, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

DANIEL S. GOLDIN, OF CALIFORNIA, TO BE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE RICHARD HARRISON TRULY, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 20, 1992:

DEPARTMENT OF STATE

ROBERT C. FRASURE, OF WEST VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ESTONIA.

INTS M. SILINS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LATVIA.

DARRYL NORMAN JOHNSON, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LITHUANIA.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO RE

QUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY
CONSTITUTED COMMITTEE OF THE SENATE